

APP. EXHIBIT# 1
CASE: 2024-0020-V
DATE: 4/16/24

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 1999-0333-V

IN RE: JOSEPH CRAWFORD

THIRD ASSESSMENT DISTRICT

DATE HEARD: SEPTEMBER 28, 1999

ORDERED BY: STEPHEN M. LeGENDRE, ADMINISTRATIVE HEARING OFFICER

ZONING ANALYST: CHARLENE MORGAN

DATE FILED: OCTOBER 13, 1999

PLEADINGS

Joseph and Judy Crawford, the applicants, seek a variance (1999-0333-V) to permit a dwelling with less setbacks and buffer than required and on steep slopes on property located along the south side of Rock Cove Lane, south of Brickworks Lane, Severna Park.¹

PUBLIC NOTIFICATION

The case was advertised in accordance with the provisions of the County Code. The applicants submitted the affidavit of Charles F. Converse, III, indicating that the property was posted on September 13, 1999.

FINDINGS AND CONCLUSIONS

The applicants own unimproved property with a street address of 658 Rock Cove Lane, in the subdivision of Bluff Point on Severn, Severna Park. The property comprises 1.71 acres and is zoned R-1 residential with a Chesapeake Bay Critical Area designation as Resource Conservation Area (RCA). This is a waterfront lot on the Severn River. The applicants seek to develop the site with a single-family residence. A portion of the dwelling (concrete patio and family

¹This case was joined with a request for a variance (1999-0334-V) to permit an in-ground pool with less setbacks and buffer. At the hearing, the applicants requested a continuance in order to reevaluate the pool proposal in light of the recent decision in White v. North, ___ Md. ___, (1999) [No. 85, 1998 Term, filed September 14, 1999]. The pool variance was continued on the record until December 2, 1999 at 10:45 a.m.

room “bump-out”) will be located within the expanded buffer for steep slopes. The driveway will impact steep slopes.

The Anne Arundel County Code, Article 28, Section 1A-104 establishes a minimum 100-foot buffer landward from tidal waters. The buffer expands to include all land within 50 feet of the top of contiguous slopes of 15 percent or greater. Section 1A-105(c) prohibits development on slopes of 15 percent or greater within the RCA. Accordingly, the proposal requires a variance to construct the dwelling within the expanded buffer and on steep slopes.

Charlene Morgan, a zoning analyst with the Department of Planning and Code Enforcement, observed that the site was previously graded pursuant to a permit. In view of the extent of the slopes, she conceded the need for some relief to the Critical Area program requirements. However, she questioned the extent of the requested relief. She suggested that the dwelling could be relocated entirely outside the expanded buffer. As a condition of any approval, she recommended reforestation at a ratio of 3:1 for new impervious coverage.

Mr. Converse, the applicants’ builder, testified that the site plan attempts to minimize additional clearing. The applicants have already downsized the footprint of the improvements; the relocation of the dwelling outside of the expanded buffer would require additional clearing.

Susan Cline testified on behalf of the Carrollton Manor Improvement Association. She indicated that association property to the west of the site has experienced significant erosion and expressed concern about the impacts of further

disturbance. Mr. Converse responded that the project will require a grading permit.

The standards for granting variances are contained in Section 11-102.1. Under subsection (b), for a property in the Critical Area, a variance to the Critical Area program requirements may be granted if (1) due to features of the site or other circumstances, a strict implementation of the program would result in an unwarranted hardship to the applicants; (2) a literal interpretation of the program will deprive the applicants of rights commonly enjoyed by other properties in similar areas within the Critical Area; (3) the granting of the variance will not confer on the applicants any special privilege that would be denied by the program to other lands within the Critical Area; (4) the variance request is not based on circumstances resultant of actions by the applicants and does not arise from conditions relating to land use on neighboring property; and (5) the granting of the variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area and will be in harmony with the general spirit and intent of the program. Under subsection (c), any variance must be the minimum necessary to afford relief; and its grant may not alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.

In Anne Arundel County, Critical Area variances are measured against the unwarranted hardship standard. The issue is whether the denial of the application is a denial of "reasonable and significant use." Belvoir Farms Homeowners Association.

Inc. v. North, __ Md. __, (1999) [No. 159, 1998 Term, filed August 2, 1999]. The factors enumerated in the variance statute “cannot be construed individually to overrule a finding of unwarranted hardship... .” White v. North, __ Md. __, (1999) [No. 85, 1998 Term, filed September 14, 1999].

Upon review of the facts and circumstances, I will grant conditional relief. Considering the Critical Area variance, a single-family dwelling is a reasonable and significant use, and its denial will be an unwarranted hardship. The variance criteria, considered as a whole, are generally met. The request does not arise from the applicants’ actions or surrounding land use; and with mitigation, the variance will not adversely impact Critical Area resources and will harmonize with the general spirit and intent of the program. There remains the question of the extent of the relief. The issue is whether to require relocating the dwelling entirely outside of the expanded buffer. Mr. Converse testified without contradiction that the result would be more clearing; the record also reflects the fact that a nearby property is already experiencing erosion. In the circumstance, I find it is preferable to maximize the use of the portion of the site that is already graded. There is nothing to suggest that the granting of the variance will alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare. The approval shall be subject to the conditions in the Order.²

²In addition to mitigation, the applicants will also be required to obtain a grading permit utilizing super silt fence and to create a conservation easement. Finally, the applicants will be required to use porous pavers for their patio.

ORDER

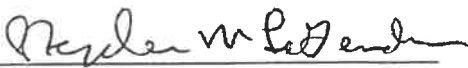
PURSUANT to the application of Joseph and Judy Crawford, petitioning for a variance to permit a dwelling with less setbacks and buffer than required and on steep slopes; and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 13th day of October, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are hereby granted a variance to permit a dwelling within the expanded buffer and on steep slopes.

The foregoing variance is subject to the following conditions:

1. The applicants shall obtain a grading permit utilizing super silt fencing.
2. The patio shall be constructed from porous pavers.
3. The applicant shall provide 3:1 reforestation for all new impervious coverage. Plantings shall occur within the buffer on a priority basis. The remaining reforestation may be accomplished off-site or a fee-in lieu paid.
4. All reforested areas shall be placed in a conservation easement recorded in the land records of Anne Arundel County.


Stephen M. LeGendre
Administrative Hearing Officer

NOTICE TO APPLICANT

Within thirty (30) days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

Further, Section 11-102.2 of the Anne Arundel County Code states:

A variance granted under the provisions of this Article shall become void unless a building permit conforming to the plans for which the variance was granted is obtained within one year of the grant and construction is completed within two years of the grant.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this order, otherwise they will be discarded.

**FINDINGS AND RECOMMENDATION
DEPARTMENT OF PLANNING AND CODE ENFORCEMENT
ANNE ARUNDEL COUNTY, MARYLAND**

APPLICANT: Crawford, Joseph & Judy

ASSESSMENT DISTRICT: Third

CASE NUMBER: 1999-0333-V, 1999-0334-V

COUNCILMANIC DISTRICT: Fifth

HEARING DATE: September 28, 1999

**PREPARED BY: Charlene Morgan
Planner**

REQUEST

The applicant is requesting a variance to permit a dwelling and an ingrown pool with less setbacks and buffer and on steep slopes.

DESCRIPTION OF SITE

The subject property contains 1.71 acres. The property is known as Lot 24 in the subdivision of Bluff Point on Severn located in Severna Park, Maryland. Located on Tax Map 31, Block 10, Parcel 57, the site is currently undeveloped. The property is within the Chesapeake Bay Critical Area designated Resource Conservation Area (RCA) and is subject to buffer requirements.

The current R1-Residential District classification of the site was received as a result of the comprehensive rezoning for the Southern Third Assessment District, effective February 13, 1989.

APPLICANT'S PROPOSAL

The applicant proposes to construct a dwelling and an ingrown pool on a site impacted by the expanded buffer and steep slopes. The concrete patio and front portion of the dwelling will be located within the expanded buffer. The drive to access the dwelling will impact steep slopes. The ingrown pool will be located within the expanded buffer and within steep slopes.

REQUESTED VARIANCE

Section 1A-104 requires a minimum 100-foot buffer landward of tidal waters to be expanded to include contiguous 15% steep slopes plus 50 feet. Section 1A-105(c) prohibits development on slopes of 15% or greater.

As such, a variance is required to construct the dwelling within the expanded buffer, to construct the access to the dwelling on steep slopes and to construct the ingrown pool within the expanded buffer and on steep slopes. The main portion of the house and garage do not impact the expanded buffer or steep slopes.

RECOMMENDATION

With regard to the standards by which a variance may be granted, as set forth under Section 11-102.1, this Office offers the following:

The site is heavily impacted by steep slopes. The site was previously graded with a permit. Some relief is necessary to develop this lot, however this Office feels that the dwelling can be designed or relocated to avoid the expanded buffer. The ingrown pool and surrounding patio exceeds a minimum request.

Based on the above, this Office recommends approval of the disturbance to steep slopes for the relocated dwelling and its access but recommends denial of the request to impact the expanded buffer with the concrete patio or front portion of the dwelling. We also recommend denial of the request to impact the expanded buffer or steep slopes with the ingrown pool and surrounding patio.

All new impervious coverage shall be subject to 3:1 reforestation.

FEE PAID 2150.00
DATE 7-30-99



ZONE R-1 ALEX 1.4
200 MAP R 15 1000 MAP 11
CRITICAL AREA:
IDA LDA RCA X

TWO SIGNS

VARIANCE APPLICATION

Applicant: Mr. and Mrs. Joseph Crawford
(All persons having 10% or more interest in property)

Property Address: 658 Rock Cove Lane, Severna Park, MD 21146

Property Location: 395 20 feet of frontage on the SOUTH (n,s,e,w) side of
Rock Cove Lane street, road, lane, etc.; 500 feet
(n,s,e,w) of Brickworks Lane street, road, lane, etc. (nearest intersecting street).

Tax Account Number 3126-9004-8952 Tax District 3 Council District 5

Waterfront Lot yes Corner Lot no Deed Title Reference 7462/596

Zoning of Property R-1 Lot # 24 Tax Map 31 Block 10 Parcel 57

Area (sq. ft. or acres) 1.71 Ac. Subdivision Name Bluff Point On Severn

VARIANCE TO PERMIT A DWELLING WITH LESS SETBACKS AND BUFFER THAN REQUIRED AND ON STEEP SLOPES

Description of Proposed Variance Requested (Explain in sufficient detail including distances from property lines, heights of structures, size of structures, use, etc.) A variance to Article 28, Sec. 1A-104 (a) (1) is requested to permit development within the expanded buffer.

A variance to Article 28, Sec. 1A-105 (c) is requested to permit disturbance of existing steep slopes for construction of a house and driveway.

The applicant hereby certifies that he or she has a financial, contractual, or proprietary interest equal to or in excess of 10 percent of the property; that he or she is authorized to make this application; that the information shown on this application is correct; and that he or she will comply with all applicable regulations of Anne Arundel County, Maryland.

Joseph Crawford
Applicant's Signature

Joseph Crawford and Judy Crawford
Print Name

1404 Peregrine Path
Street Number, Street, PO Box

Arnold, MD 21012
City, State, Zip

410-974-4186
Home Phone

 Work Phone

Joseph Crawford
Owner's Signature

same as applicants
Print Name

 Street Number, Street, PO Box

 City, State, Zip

 Home Phone

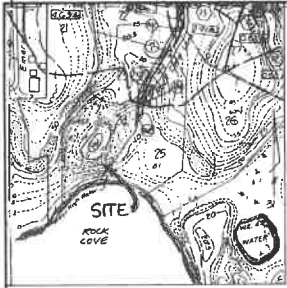
 Work Phone

For Office Use Only

Application accepted by Anne Arundel County, Office of Planning and Zoning:

Patricia A. Miley
Signature

8/13/99
Date



DRAINAGE AREA MAP
SCALE: 1" = 200'

HYDROLOGICAL ANALYSIS
The Anne Arundel County Soil Survey indicates that the site is comprised of silt and clay soils which are not suitable for infiltration practices. Therefore, stormwater management for the proposed improvements will be provided via an underground private stormwater branch located on the landward side of the property, as shown on the current grading plan under permit number 00007261.



ZONING MAP
SCALE: 1" = 2,000'



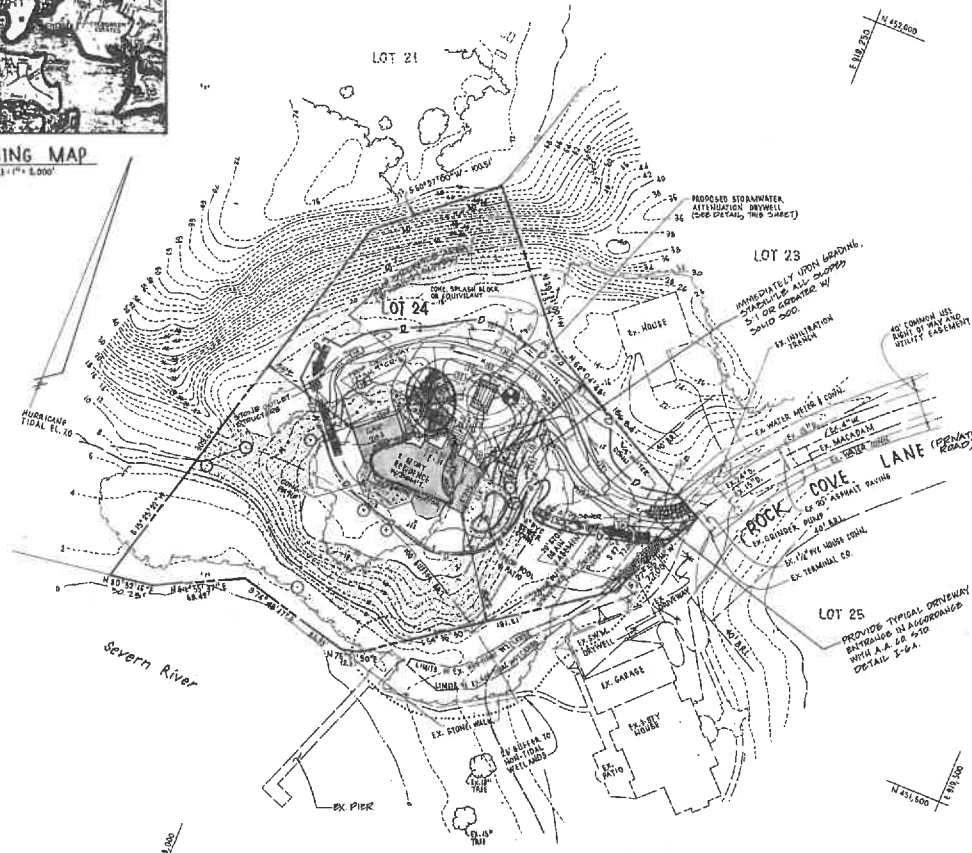
VICINITY MAP
SCALE: 1" = 2000'



TAX MAP
SCALE: 1" = 1,000'

ANNE ARUNDEL COUNTY
PERMIT 107

- See Map 21, Block 10, Parcel 57, Lot 20
Owner: J. Williams
Address: 107-108
Survey: 107-108-001
- See Map 21, Block 10, Parcel 57, Lot 21
Owner: J. Williams
Address: 107-109
Survey: 107-108-002
- See Map 21, Block 10, Parcel 57, Lot 22
Owner: J. Williams
Address: 107-110
Survey: 107-108-003
- See Map 21, Block 10, Parcel 57, Lot 23
Owner: J. Williams
Address: 107-111
Survey: 107-108-004
- See Map 21, Block 10, Parcel 57, Lot 24
Owner: J. Williams
Address: 107-112
Survey: 107-108-005
- See Map 21, Block 10, Parcel 57, Lot 25
Owner: J. Williams
Address: 107-113
Survey: 107-108-006
- See Map 21, Block 10, Parcel 57, Lot 26
Owner: J. Williams
Address: 107-114
Survey: 107-108-007
- See Map 21, Block 10, Parcel 57, Lot 27
Owner: J. Williams
Address: 107-115
Survey: 107-108-008
- See Map 21, Block 10, Parcel 57, Lot 28
Owner: J. Williams
Address: 107-116
Survey: 107-108-009
- See Map 21, Block 10, Parcel 57, Lot 29
Owner: J. Williams
Address: 107-117
Survey: 107-108-010
- See Map 21, Block 10, Parcel 57, Lot 30
Owner: J. Williams
Address: 107-118
Survey: 107-108-011
- See Map 21, Block 10, Parcel 57, Lot 31
Owner: J. Williams
Address: 107-119
Survey: 107-108-012
- See Map 21, Block 10, Parcel 57, Lot 32
Owner: J. Williams
Address: 107-120
Survey: 107-108-013
- See Map 21, Block 10, Parcel 57, Lot 33
Owner: J. Williams
Address: 107-121
Survey: 107-108-014
- See Map 21, Block 10, Parcel 57, Lot 34
Owner: J. Williams
Address: 107-122
Survey: 107-108-015
- See Map 21, Block 10, Parcel 57, Lot 35
Owner: J. Williams
Address: 107-123
Survey: 107-108-016
- See Map 21, Block 10, Parcel 57, Lot 36
Owner: J. Williams
Address: 107-124
Survey: 107-108-017
- See Map 21, Block 10, Parcel 57, Lot 37
Owner: J. Williams
Address: 107-125
Survey: 107-108-018
- See Map 21, Block 10, Parcel 57, Lot 38
Owner: J. Williams
Address: 107-126
Survey: 107-108-019
- See Map 21, Block 10, Parcel 57, Lot 39
Owner: J. Williams
Address: 107-127
Survey: 107-108-020
- See Map 21, Block 10, Parcel 57, Lot 40
Owner: J. Williams
Address: 107-128
Survey: 107-108-021

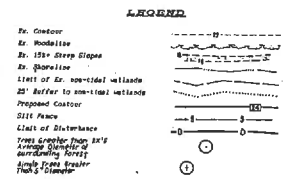


PLAN
1" = 40'

NOTE:
THIS LOT WAS PREVIOUSLY GRADED FOR CONSTRUCTION UNDER PERMIT NUMBER 00012205.

SITE ANALYSIS

Total Site Area:	1.71 Ac. ±
Existing Zoning:	R5
Critical Area Classification:	CA-1
Dr. Woodlands Area:	45,000 sq. ft. ±
Total Woodlands Acres:	1.280 Ac. ± (49%)
Prop. Impervious Cover:	10,000 sq. ft. (18%)



- GENERAL NOTES**
- The boundary and topography shown herein were taken from field surveys prepared by Boyd & Dowcjallo, P.A.
 - This site is to be served by public water and sewer service.
 - Per proposed reclamation see reclamation plan prepared by others.
 - The site was previously cleared and rough-graded under the prior grading permit number 00007261.

- VARIANCES REQUESTED**
- Article 26, Section 14-104(a)(1), of the Anne Arundel County Code, states that there shall be a minimum 100-foot buffer landward from the high-water flow of tidal waters, tributary streams and tidal wetlands, and that the buffer shall be expanded to include any contiguous sensitive areas such as steep slopes, historic wells or highly erodible soils. Variance is requested to permit construction of the pool and spa within this protected buffer.
 - Article 26, Section 14-106(c), of the Anne Arundel County Code states that no development is permitted on slopes of 15% or greater, as measured before development, within the Critical Area. Variance is requested to permit disturbance of existing steep slopes for construction of the proposed pool and spa.

DWELLING APP'VD
1999-0333-V

CRITICAL AREA PLAN AND VARIANCE SITE PLAN

LOT 24 BLUFF POINT ON SEVERN
Δ101/36

<p>OWNER/DEVELOPER MR. & MRS. JOSEPH CRAWFORD 1404 RESERVING PATH ARNOOLD, MARYLAND 21018 (410) 514-4185</p>		<p>BOYD & DOWCJALLO, P.A. ENGINEERS/SURVEYORS/PLANNERS 7878 Quarterfield Road Suite 201 Glen Burnie, Maryland 21081 (410) 863-1234</p>			<p>FILE NO. AS SHOWN SHEET NO. 1 OF 1 DRAWN BY: J.L.J./J.M.L. CHECKED BY: J.S.T. DATE: JULY 1999</p>	<p>PERMIT # 00007261 THIRD DISTRICT</p>	<p>CASE # V-1899-031/4</p>	<p>ANNE ARUNDEL COUNTY, MARYLAND</p>
NO.	DATE	BY	REVISION		APPROVED	DATE		

APP. EXHIBIT# 2
CASE: 2024-0020-V
DATE: 4/16/24

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 1999-0334-V

IN RE: JOSEPH AND JUDY CRAWFORD

THIRD ASSESSMENT DISTRICT

DATE HEARD: DECEMBER 2, 1999

ORDERED BY: STEPHEN M. LeGENDRE, ADMINISTRATIVE HEARING OFFICER

ZONING ANALYST: CHARLENE MORGAN

DATE FILED: DECEMBER 14, 1999

PLEADINGS

Joseph and Judy Crawford, the applicants, seek a variance (1999-0334-V) to permit an in ground pool with less setbacks and buffer than required on property located along the south side of Rock Cove Lane, south of Brickworks Lane, Severna Park.¹

PUBLIC NOTIFICATION

The case was advertised in accordance with the provisions of the County Code for hearing on September 28, 1999. As reflected in the decision in Case No. 1999-0333-V, the pool variance was continued on the record until December 2, 1999. The applicants' counsel represented that the property posting was continuous.

FINDINGS AND CONCLUSIONS

The applicants seek to construct an irregularly shaped in ground pool (40' X 15') and patio approximately 105 feet from the Severn River in the expanded buffer for steep slopes. The proposal requires a variance to Anne Arundel County Code, Article 28, Section 1A-104(a)(1). The request has put the applicants at loggerheads with the review agencies. The dispute has taken on greater proportions because it is one of the first swimming pool in the expanded buffer

¹In companion Case No. 1999-0333-V (October 13, 1999), this office approved a conditional variance to permit a dwelling with less setbacks and buffer and on steep slopes for the same property.

cases since the decision in White v. North, 356 Md. 31 (1999).

Charlene Morgan, a zoning analyst with the Department of Planning and Code Enforcement, recommended that the request should be denied. She reasoned that the applicants acquired the property in 1996, long after the effective date of the Critical Area program, such that there is no unwarranted hardship. She submitted into the record a letter of opposition dated November 29, 1999, from the Chesapeake Bay Critical Area Commission (Attachment A). She reported that Bill Love, the environmental reviewer for PACE, also recommended denial of the application. Mr. Love's written comments dated November 30, 1999 and September 27, 1999 are appended as Attachment B and C respectively.

Jerry Tolodziecki, the applicants' engineer, described the somewhat unusual siting of the pool. As reflected in the July 30, 1999 variance application and accompanying site plan, the pool was originally sited to the east of the dwelling, outside of the expanded buffer but on steep, wooded slopes.² According to the witness, a site meeting was convened a few days before the September 28, 1999 hearing. Mr. Tolodziecki testified that Mr. Love expressed the view that if there is to be a pool, the present location in the expanded buffer is preferable to the original location on steep slopes. Accordingly, the applicants continued the pool variance and their engineers revised the plan to relocate the pool south of the dwelling.

²At the original location, the pool would have needed a variance to Section 1A-105(c) to disturb steep slopes.

Nancy Matthews, the applicants' environmental consultant and the author of their Critical Area report, compared the impacts of siting the pool at the two locations. According to the witness, there is no detrimental environmental impact from siting the pool in the cleared, graded and level area south of the dwelling. Conversely, the location east of the dwelling would require clearing 12 to 18 inch trees as well as disturbing steep slopes. She rejected the idea of replacing mature trees removed in connection with installing the pool on steep slopes east of the dwelling with saplings in the already cleared area in the expanded buffer south of the dwelling.

Shep Tullier, the applicants' land planning consultant, testified that the community consists of 19 lots, with 11 waterfront properties. It is predominately developed, including five homes on the water with swimming pools. Although all of the pools were installed prior to the enactment of the Critical Areas law, at least two of the pools lie within what is now considered the expanded buffer. He identified similar situations in the communities of Maynadier and Berrywood. The witness contended that the variance is warranted for the reasons that the property was graded 12 years ago; there are other swimming pools in this community and the other two he visited; the chosen area south of the dwelling is preferable from an environmental standpoint than the area east of the dwelling on steep slopes; and the site constraints resulting from development in accordance with the approval for the dwelling.

I visited the site and the neighborhood. As indicated, it is evident that the

site was extensively graded at its center several years ago. The area is now stable, with predominately scrub growth. The pool as proposed is located 20 feet or more from the top of steep slopes to the Severn River. The bank is heavily wooded. The area east of the dwelling is essentially a wooded ravine. It would certainly be an engineering and construction challenge to build anything over the eastern slopes. A pool would require particular ingenuity, if it is feasible at all. Mr. Tullier properly characterized the neighborhood as an affluent community of substantial homes surrounding the water.

The standards for granting variances are contained in Section 11-102.1. Under subsection (b), for a property in the Critical Area, a variance to the Critical Area program requirements may be granted if (1) due to features of the site or other circumstances, a strict implementation of the program would result in an unwarranted hardship to the applicants; (2) a literal interpretation of the program will deprive the applicants of rights commonly enjoyed by other properties in similar areas within the Critical Area; (3) the granting of the variance will not confer on the applicants any special privilege that would be denied by the program to other lands within the Critical Area; (4) the variance request is not based on circumstances resultant of actions by the applicants and does not arise from conditions relating to land use on neighboring property; and (5) the granting of the variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area and will be in harmony with the general spirit and intent of the program. Under subsection (c), any variance must be the

minimum necessary to afford relief; and its grant may not alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.

In Anne Arundel County, Critical Area variances are measured against the unwarranted hardship standard. The issue is whether the denial of the application is a denial of “reasonable and significant use.” Belvoir Farms Homeowners Association, Inc. v. North, 355 Md. 259, 282 (1999). The factors enumerated in the variance statute “cannot be construed individually to overrule a finding of unwarranted hardship... .” White, 356 Md. at 50.

As a preliminary matter, it is appropriate to observe that this case is only about a pool variance in the expanded buffer. To the extent the reviewing agencies are dissatisfied with other aspects of the approved site plan -- such as the location of the dwelling within the expanded buffer and on steep slopes, or the extent of clearing or grading -- their appropriate remedy was to file a timely appeal. Nor should there be any surprise that the applicants are pursuing this case immediately on the heels of the prior approval.

The issue boils down to whether the applicants have satisfied the unnecessary or unwarranted hardship standard: is the denial of the variance a denial of reasonable and significant use of the property? Despite the suggestion by the reviewing agencies, the question is not answered by asserting that the applicants acquired the property after the enactment of the Critical Area law. Nor is it answered by asserting that the use is an accessory one. Furthermore, as noted

in White, 356 Md. at 51: “[t]he individual (variance) provisions... are part of the entire matrix that defines what information is necessary to reach a finding as to the existence or nonexistence of an unwarranted hardship”.

Upon review of the facts and circumstances, I will grant conditional relief. While certainly reasonable minds could differ, in the circumstances of this case, I believe a swimming pool is a reasonable and significant use, and its denial will be an unwarranted hardship. In my judgement, the variance criteria, considered as a whole, are general met. On the issue of whether a variance confers a right commonly enjoyed by others, the White decision requires that I consider existing uses, so long as they are properly established. Mr. Tullier provided unrefuted evidence of pools installed prior to the Critical Area statute in what is now considered the expanded buffer. When compared to the neighborhood and the two communities he canvassed, this request does not appear to be a special privilege. There was nothing suggesting that this request, any more than the prior approval, arises from the applicants’ actions or surrounding land use. Ms. Matthews testified without contradiction that the variance will not adversely impact Critical Area resources and will harmonize with the general spirit and intent of the program.

There remains for consideration the subsection (c) criteria. Mr. Tullier testified that the 550 square foot pool and 330 square foot deck will not cause more impervious coverage than allowed, and also that the other pools are larger. I nonetheless believe that the pool and patio could and should be smaller. Toward

that end, the approval shall be conditioned on reducing the long dimension of the pool to 32 feet and eliminating the portion of the patio (other than a 3-foot pool surround) adjacent to the previously approved "bump out" portion of the dwelling. There is nothing to suggest that the granting of the conditional variance will alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare. The approval shall be subject to the conditions in the Order.³

ORDER

PURSUANT to the application of Joseph and Judy Crawford, petitioning for a variance to permit an in ground pool with less setbacks and buffer than required; and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 14 day of December, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are hereby **granted** a variance to permit an in ground pool in the expanded buffer.


The foregoing variance is subject to the following conditions:

1. The applicants shall revise the site plan to reduce the length of the pool to 32 feet and to eliminate (except for a 3-foot pool surround) the patio in front of

³I have appended the same conditions included in the previous approval.

the “bump out” portion of the dwelling.

2. The applicants shall obtain a grading permit utilizing super silt fencing.
3. The patio shall be constructed from porous pavers.
4. The applicants shall provide 3:1 reforestation for all new impervious coverage. Planting shall occur within the buffer on a priority basis. The remaining reforestation may be accomplished offsite or a fee-in lieu paid.
5. All reforested areas shall be placed in a conservation easement recorded in the land records of Anne Arundel County.



Stephen M. LeGendre
Administrative Hearing Officer

NOTICE TO APPLICANT

Within thirty (30) days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

Further, Section 11-102.2 of the Anne Arundel County Code states:

A variance granted under the provisions of this Article shall become void unless a building permit conforming to the plans for which the variance was granted is obtained within one year of the grant and construction is completed within two years of the grant.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this order, otherwise they will be discarded.

Judge John C. North, II
Chairman



Ren Surey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

November 29, 1999

Ms. Charlene Morgan
Anne Arundel County
Department of Planning and Code Enforcement
2664 Riva Rd., MS 6301
Annapolis, Maryland 21401

RE: Variance Case #1999-0334-V, Joseph Crawford

Dear Ms. Morgan:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit an inground pool and patio with less setbacks and Buffer than required. Another variance (#1999-0333-V) on this property was approved with conditions to allow construction of a dwelling.

This office opposes the variance requested. The proposed swimming pool and associated concrete patio add to the previously approved disturbance within the Buffer. The Administrative Hearing Officer, in his Order dated October 13, 1999, required that the patio (located within the expanded Buffer) be constructed from porous pavers to mitigate some of the impacts. It is not possible to make a pool a pervious structure. The proposed swimming pool and patio are associated with an accessory use. The property owner would have reasonable and significant use of the property without this accessory use. New development should be designed according to the constraints of the site. It appears that the amount of development proposed simply is too extensive for this particular lot.

The Critical Area report enclosed with the variance request discussed a possible alternative location for the swimming pool. This area, east of the dwelling, is currently wooded and contains steep slopes. The Critical Area report states that the proposed location (i.e., within the Buffer) for the pool is better because it avoids disturbing a "forest community." However, significant clearing and grading is already occurring in this forest community in order to accommodate the desired design and extraneous circular driveway.

As was stated in our comments on the previous variance request, this office recommends that the applicant redesign the proposed development of this lot according to the constraints of the site. It appears that the dwelling could be shifted away from the water such that the entirety of the house and patio would be outside of the expanded Buffer. (For example, a relatively flat area lies to the north of the proposed driveway and development could be shifted in that direction.) The

Branch Office: 31 Creamery Lane, Exton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Ms. Charlene Morgan
November 29, 1999
Page two

driveway as proposed is very extensive and includes a circular drive, rather than a more direct route to the garage. If the driveway were redesigned, again it appears possible that the need for a Buffer variance could be avoided. In addition, if the driveway were changed, the disturbance and grading of steep slopes could be further minimized. Another option would be to flip the house footprint and move it back slightly, which would also eliminate the Buffer variance. Please see the attached sketch for an illustration of how this could be done. Note that the pool is located off of the steep slopes and outside of the expanded Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



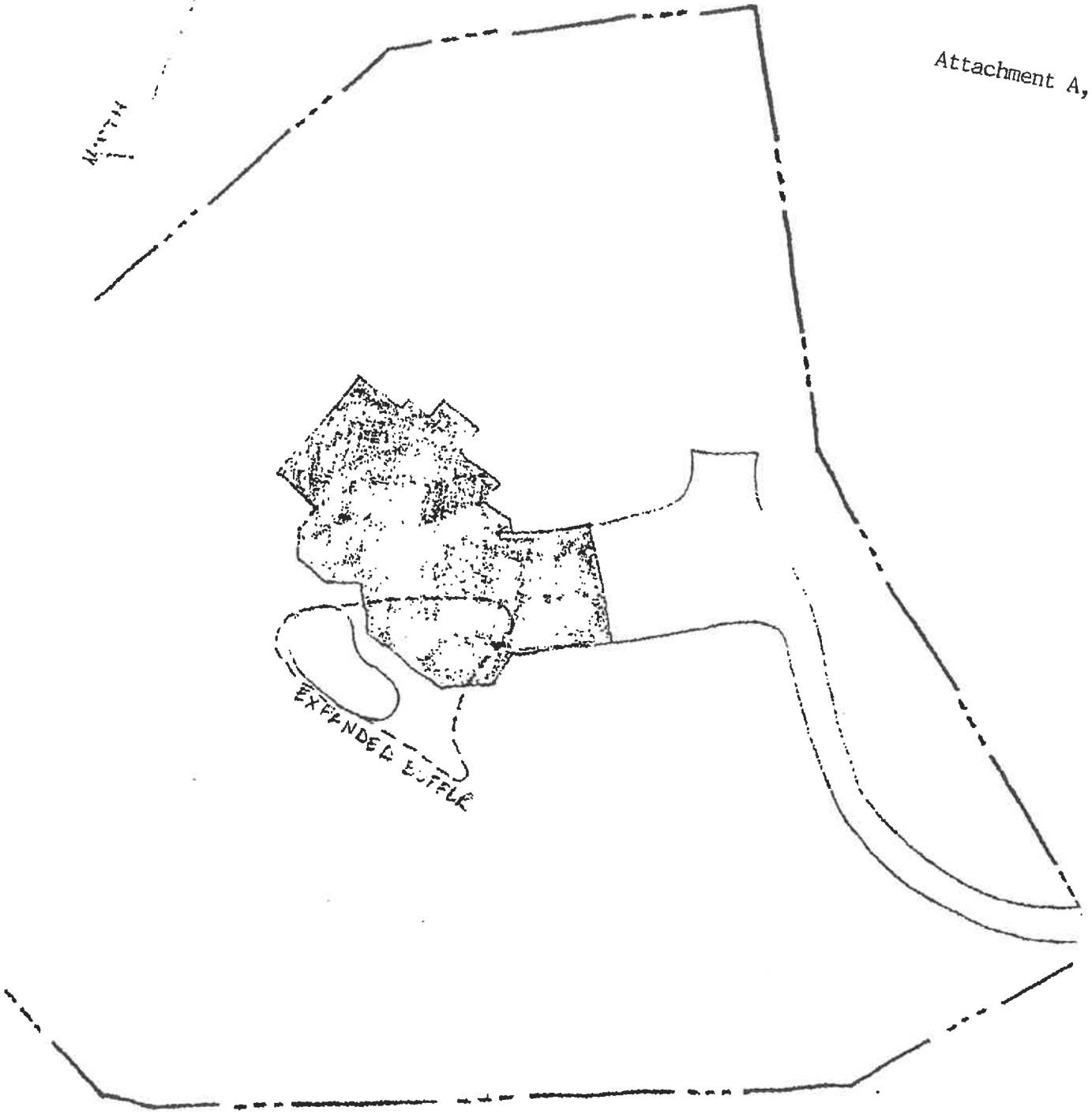
Lee Anne Chandler
Natural Resources Planner

cc: AA460-99

40074



EXPANDED ESTE




"County Exhibit"

Attachment B

ANNE ARUNDEL COUNTY PERMIT APPLICATION CENTER

INTER-OFFICE CORRESPONDENCE

TO: Charlene Morgan, PACE/Zoning

FROM: Bill Love, PAC/Zoning & Environmental 

DATE: November 30, 1999

SUBJECT: 1999-0333-V, Joseph & Judy Crawford


I have reviewed the revised project plans and recommend denial of the proposed pool and patio within the expanded buffer.. The project can be designed to provide the expanded buffer. Replanting can occur within the expanded buffer to re-establish the forest that was previously cleared..

However, if approved, I would recommend that the order be conditioned to ensure reforestation at a ratio of 3 to1 as outlined in my September 27, 1999 comments.

ANNE ARUNDEL COUNTY
PERMIT APPLICATION CENTER

INTER-OFFICE CORRESPONDENCE

TO: Charlene Morgan, PACE/Zoning

FROM: Bill Love, PAC/Zoning & Environmental 

DATE: September 27, 1999

SUBJECT: 1999-0333/0334-V, Joseph & Judy Crawford

I have reviewed the project plans and offer the following comments.

After a site investigation and follow-up office meeting, it is quite evident that the project plans cannot be supported with the location of the proposed pool within steep slopes in excess of 15% or within the expanded buffer to tidal waters. The pool clearly does not meet the "hardship/minimum necessary to afford relief test" within the standards of variance issuance.

However, I have no objection to the proposed house location if the proposed patio is eliminated. I defer to the Hearing Officer on the testimony by the applicant as to whether the "bump-out" portion of the house within the buffer warrants it's location in compliance with the variance standards of issuance.

In any case, the variance should be conditioned upon 3 to 1 reforestation for all new impervious coverage. Plantings shall occur within the buffer on a priority basis. Remaining reforestation may be accomplished off-site or a fee-in-lieu paid. All reforested areas, in addition to remaining forest, shall be placed in a conservation easement recorded in the land records of Anne Arundel County.

"County Exhibit"

**FINDINGS AND RECOMMENDATION
DEPARTMENT OF PLANNING AND CODE ENFORCEMENT
ANNE ARUNDEL COUNTY, MARYLAND**

APPLICANT: Crawford, Joseph and Judy

ASSESSMENT DISTRICT: Third

CASE NUMBER: 1999-0334-V

COUNCILMANIC DISTRICT: Fifth

HEARING DATE: December 2, 1999

**PREPARED BY: Charlene L. Morgan
Planner**

REQUEST

The applicant is requesting a variance to permit an in-ground pool with less setbacks and buffer and on steep slopes.

DESCRIPTION OF SITE

The subject property contains 1.71 acres. The property is known as Lot 24 in the subdivision of Bluff Point on the Severn located in Severna Park, Maryland. Located on Tax Map 31, Block 10, Parcel 57, the site is currently undeveloped. The property is within the Chesapeake Bay Critical Area designated Resource Conservation Area (RCA) and is subject to buffer requirements.

The current R1-Residential District classification of the site was received as a result of the comprehensive rezoning for the Southern Third Assessment District, effective February 13, 1989.

APPLICANT'S PROPOSAL

The applicant proposes to construct a 40-foot by 30-foot (at it's widest) in-ground pool and surrounding concrete patio within the buffer.

REQUESTED VARIANCE

Section 1A-104 requires a minimum 100-foot buffer landward of tidal waters to be expanded to include contiguous 15% steep slopes plus 50 feet. Section 1A-105(c) prohibits development on slopes of 15 % or greater. As such, a variance is requested to construct the in-ground pool and surrounding patio within the buffer.

RECOMMENDATIONS

With regard to the standards by which a variance may be granted, as set forth under Section 11-102.1, this Office offers the following:

The dwelling location was approved under case 1999-0333-V. The current owners obtained the property in May of 1996. As critical area criteria was in effect at that time, the hardship for a pool is not a significant one and is self-created. The Chesapeake Bay Critical Area Commission (CBCAC) recommends moving both the dwelling and the pool back to avoid a buffer variance. The PACE Environmental Reviewer recommends denial of the variance. Cleared areas within the expanded buffer should be replanted to restore the buffer. The pool and patio as proposed is not the minimal request.

Based on the above, this Office recommends denial of the variance requested. If a pool and patio are permitted, this office recommends relocating it east of the dwelling outside the buffer as far from the shoreline as possible and with the same conditions as required in case number 1999-0333-V. That location may require a steep slope variance.

CASE # 1999-334-0
FEE PAID 2150.00
DATE 7-30-99



ZONE R1 ALEX 14, G6
200 MAP R15 1000 MAP 11
CRITICAL AREA:
IDA LDA RCA X

TWO SIGNS

VARIANCE APPLICATION

Applicant: Mr. and Mrs. Joseph Crawford
(All persons having 10% or more interest in property)

Property Address: 658 Rock Cove Lane, Severna Park, MD 21146

Property Location: 200 20 feet of frontage on the (n, s, e, w) side of
Rock Cove Lane street, road, lane, etc.; 500 feet
(n, s, e, w) of Brickworks Lane street, road, lane, etc. (nearest intersecting street).

Tax Account Number 3126-9004-8952 Tax District 3 Council District 5

Waterfront Lot yes Corner Lot no Deed Title Reference 7468/596

Zoning of Property R1 Lot # 24 Tax Map 31 Block 10 Parcel 57

Area (sq. ft. or acres) 1.71 Ac. Subdivision Name Bluff Point on Severn

VARIANCE TO PERMIT AN INGROUND POOL WITH 2855 SETBACKS AND BUFFER, THAN PERMITTED AND ON STEEP SLOPES

Description of Proposed Variance Requested (Explain in sufficient detail including distances from property lines, heights of structures, size of structures, use, etc.)
A variance to article 28, Sec. 1A-104 (a) (1) is requested to permit construction of a pool within the expanded buffer
A variance to Article 28, Sec. 1A-105 (c) is requested to permit disturbance of
of existing steep slopes for construction of a pool.

The applicant hereby certifies that he or she has a financial, contractual, or proprietary interest equal to or in excess of 10 percent of the property; that he or she is authorized to make this application; that the information shown on this application is correct; and that he or she will comply with all applicable regulations of Anne Arundel County, Maryland.

Joseph Crawford
Applicant's Signature
Judy Crawford
Joseph Crawford and Judy Crawford

Joseph Crawford
Owner's Signature
Judy Crawford
same as applicants

Print Name
1404 Peregrine Path

Print Name

Street Number, Street, PO Box
Arnold, MD 21012

Street Number, Street, PO Box

City, State, Zip
410-974-4186

City, State, Zip

Home Phone Work Phone

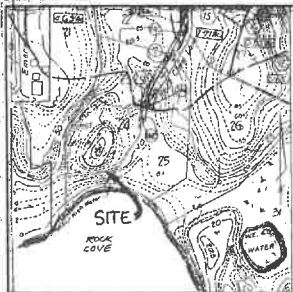
Home Phone Work Phone

For Office Use Only

Application accepted by Anne Arundel County, Office of Planning and Zoning:

Patricia A Miley
Signature

8/13/99
Date



DRAINAGE AREA MAP
SCALE: 1" = 600'

STORMWATER DRAINAGE AREA INFO
The Anne Arundel County Soil Survey indicates that the site is composed of silty and clayey soils which are not suitable for infiltration practices. Therefore, stormwater management for the proposed improvements will be provided via an underground private (sewerage) trench located on the landward side of the property, as shown on the current grading plan under permit number 00000204.



ZONING MAP
SCALE: 1" = 6,000'

NOTE: Reformation for clearing in connection with the proposed improvements will be addressed on-site (where possible) and will be handled under grading permit number 00000204. A reformation plan and agreement will be prepared and submitted to the Anne Arundel County Permit Application Center.



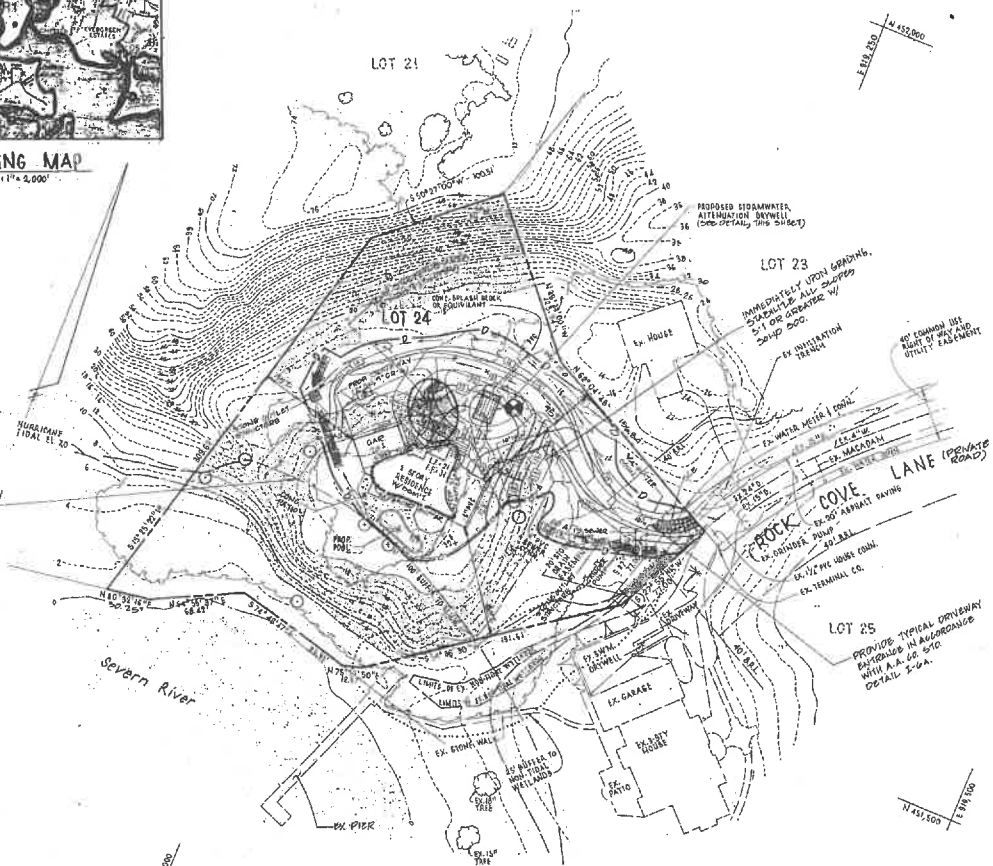
VICINITY MAP
SCALE: 1" = 2,000'



TAX MAP
SCALE: 1" = 1,000'

ADJACENT PROPERTY OWNERS

<p>14100 Dr. Block 10, Parcel 27, Lot 27 Stephen J. Bligard Charles E. Bligard Bligard Prop. Co. 2010-01-01-0100 Parcel 27</p> <p>14100 Dr. Block 10, Parcel 27, Lot 27 Dany Criley 14100 Dr. Block 10, Parcel 27, Lot 27 Dany Criley Dany Criley 14100 Dr. Block 10, Parcel 27, Lot 27 Dany Criley</p> <p>14100 Dr. Block 10, Parcel 27, Lot 27 Dany Criley 14100 Dr. Block 10, Parcel 27, Lot 27 Dany Criley</p> <p>14100 Dr. Block 10, Parcel 27, Lot 27 Dany Criley 14100 Dr. Block 10, Parcel 27, Lot 27 Dany Criley</p> <p>14100 Dr. Block 10, Parcel 27, Lot 27 Dany Criley 14100 Dr. Block 10, Parcel 27, Lot 27 Dany Criley</p>	<p>14100 Dr. Block 10, Parcel 27, Lot 27 Stephen J. Bligard Charles E. Bligard Bligard Prop. Co. 2010-01-01-0100 Parcel 27</p> <p>14100 Dr. Block 10, Parcel 27, Lot 27 Dany Criley 14100 Dr. Block 10, Parcel 27, Lot 27 Dany Criley Dany Criley 14100 Dr. Block 10, Parcel 27, Lot 27 Dany Criley</p> <p>14100 Dr. Block 10, Parcel 27, Lot 27 Dany Criley 14100 Dr. Block 10, Parcel 27, Lot 27 Dany Criley</p> <p>14100 Dr. Block 10, Parcel 27, Lot 27 Dany Criley 14100 Dr. Block 10, Parcel 27, Lot 27 Dany Criley</p> <p>14100 Dr. Block 10, Parcel 27, Lot 27 Dany Criley 14100 Dr. Block 10, Parcel 27, Lot 27 Dany Criley</p>
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PLAN
1" = 40'

NOTE:
THIS LOT WAS PREVIOUSLY GRADED FOR CONSTRUCTION UNDER PERMIT NUMBER 00010205.

SITE ANALYSIS

Total Site Area:	1.71 AC ±
Existing Footing:	0.00 AC ±
Critical Area Classification:	0.00 AC ±
Ex. Woodlands Area:	42,990 sq. ft. (0.98 AC ±)
Total Woodlands Cleared:	42,990 sq. ft. (0.98 AC ±)
Prop. Impervious Cover:	0.00 AC ± (0.00%)

LEGEND

- Ex. Contour
- Ex. Woodline
- Ex. 10% Steep Slope
- Ex. Shoreline
- Limit of Ex. Non-Tidal Wetlands
- Proposed Contour
- Site Road
- Limit of Disturbance
- Tree Greater Than 3" DBH
- Average Diameter of Surrounding Forest
- Single Point Quarter Tree 5" Diameter

GENERAL NOTES

- The boundary and topography shown herein were taken from 7.5' scale maps prepared by the U.S. Geological Survey.
- This site is to be served by public water and sewer services.
- For proposed reformation and reformation plan prepared by the applicant.
- This site was previously cleared and re-graded under the prior grading permit number 00010205.

VARIANCE REQUEST

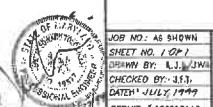
- Article 25, Section 24-104(a)(1)(i) of the Anne Arundel County Code states that there shall be a minimum 100-foot buffer landward from the 10-foot or less of tidal wetlands, tributary stream and tidal wetlands, and that the buffer shall be expanded to include any contiguous steep slope areas such as steep slopes, hydro mounds or highly erodible soils. A variance is requested to permit construction of a pool and patio within the required buffer.

CRITICAL AREA PLAN AND VARIANCE SITE PLAN

LOT 24
BLUFF POINT ON SEVERN
△101/38

OWNER/DEVELOPER
MR. & MRS. JOSEPH L. WILSON
1404 BERKSHIRE PATH
ARNOOLD, MARYLAND 21012
(410) 824-4188

BOYD & DOWGIALLO, P.A.
ENGINEERS/SURVEYORS/PLANNERS
7570 Quarterfield Road
Suite 201
Glen Burnie, Maryland 21061
(410) 863-1234



JOB NO. AS SHOWN
SHEET NO. 1 OF 1
DRAWN BY: J.S./J.W.M.
CHECKED BY: J.S.
DATE: JULY 1997
PERMIT # 00002740

THIRD DISTRICT
CASE # V-1099-933/4
ANNE ARUNDEL COUNTY, MARYLAND
JOB # 7064

NO.	DATE	BY	REVISION	APPROVED	DATE

APP. EXHIBIT# 3

CASE: 2024-0020-V

DATE: 4/16/24

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Logged in as: john Prout Collections (0)  Cart (0) Account Management Logout

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[Home](#) [Permits](#) [Licensing](#) [Planning and Zoning](#) [Complaints/Violations](#)

[Create an Application](#) [Schedule an Inspection](#)

Record B02241293:

Residential Accessory Structure

[Add to cart](#)
[Add to collection](#)

Record Status: Closed

[Record Info](#) ▼

[Payments](#) ▼

Work Location

1236 HARBOUR GLEN CT *
ARNOLD 21012
341190052964

} SITE

Record Details

Project Description:

*REV 11/26/08 (TT) REVISE BACK TO ORIGINAL APPRVD
PLAN OF 29X28 INGROUND POOL W/660'L OF 6'H
BLACK ALUMINUM FENCE W/SELF LATCHING GATE TO
CODE

Owner:

MARIANO ROSALINDA C *
8249 SAINT FRANCIS DR
SEVERN MD 21144
TAX ACCT ID: 341190052964

▶ More Details

Copy Record

Real Property Data Search ()
 Search Result for ANNE ARUNDEL COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 03 Subdivision - 411 Account Number - 90052964

Formerly Palm

Owner Information

Owner Name: ALLMAN LISA SUE Use: RESIDENTIAL
 ALLMAN DAVID D Principal Residence: NO
 Mailing Address: 7633 PORTICO PL Deed Reference: /39510/ 00135
 LONGMONT CO 80503-

Location & Structure Information

Premises Address: 1236 HARBOUR GLEN CT Legal Description: LT 6R PL 2
 ARNOLD 21012-0000 1236 HARBOUR GLEN CT
 Waterfront HARBOUR GLEN

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 2
 0039 0016 0271 3080050.02 411 6R 2022 Plat Ref: 0236/ 0008

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 2002 7,994 SF 3610 SF 3.1000 AC

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
 2 YES STANDARD UNITBRICK/ 7 7 full/ 2 half 4 Attached2002

Value Information

	Base Value	Phase-in Assessments		
		Value	As of	As of
			01/01/2022	07/01/2023
				07/01/2024
Land:	1,489,900	1,350,000		
Improvements	1,625,000	1,705,800		
Total:	3,114,900	3,055,800	3,055,800	3,055,800
Preferential Land:	0	0		

Transfer Information

Seller: MARIANO ROSALINDA C Date: 03/10/2023 Price: \$3,000,000
 Type: ARMS LENGTH IMPROVED Deed1: /39510/ 00135 Deed2:
 Seller: MARIANO ANTONIO V Date: 09/13/2018 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /32479/ 00187 Deed2:
 Seller: MARIANO ANTONIO V Date: 11/12/2013 Price: \$0
 Type: NON-ARMS LENGTH OTHER Deed1: /26823/ 00006 Deed2:

Exemption Information

Partial Exempt Assessments: Class 07/01/2023 07/01/2024
 County: 000 0.00
 State: 000 0.00
 Municipal: 000 0.00|0.00 0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application







Homeowners' Tax Credit Application Information

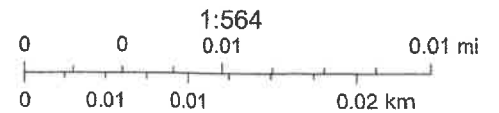
Homeowners' Tax Credit Application Status: No Application Date:

1236 Harbour Glen Ct., Arnold



4/11/2024, 1:45:25 PM

-  County Boundary
-  Green: Green
-  Blue: Blue
-  Red: Red
-  Structure Address
-  Parcels



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodataslytelsen, Rijkswaterstaat, GSA, Geoland, FEMA,

THE COUNTY MAKES NO AND DISCLAIMS ALL EXPRESS AND IMPLIED WARRANTIES RELATING TO THE MATERIAL, INCLUDING WARRANTIES OF MERCHANTABILITY, INTEGRATION, TITLE, AND FITNESS FOR A PARTICULAR PURPOSE.



APP. EXHIBIT# 4
CASE: 2024-0020-V
DATE: 4/14/24





APP. EXHIBIT# 5

CASE: 2024-0020-V

DATE: 4/16/24

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2002-0348-V

IN RE: **BRADLEY WILLIAMS**

THIRD ASSESSMENT DISTRICT

DATE HEARD: OCTOBER 29, 2002

ORDERED BY: **STEPHEN M. LeGENDRE**, ADMINISTRATIVE HEARING OFFICER

ZONING ANALYST: **SUZANNE DIFFENDERFER**

DATE FILED: OCTOBER **31**, 2002

PLEADINGS

Bradley Williams, the applicant, seeks a variance (2002-0348-V) to permit an in ground pool with less buffer than required on property located along the south side of Rock Cove Lane, south of Brick Works Lane, Severna Park.

PUBLIC NOTIFICATION

The case was advertised in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 175' of the property was notified by mail, sent to the address furnished with the application. Mr. Williams testified that the property was posted for more than 14 days prior to the hearing. I find and conclude that the requirements of public notice have been satisfied.

FINDINGS AND CONCLUSIONS

This case is before this office for the third time. Case No. 1999-0334-V, In Re: Crawford (December 14, 1999) granted a conditional variance for an in-ground pool in the expanded buffer. The original approval having expired, the present applicant received the same relief under Case No. 2001-0047-V, In Re: Kenneth Gardner and Bradley Williams (April 23, 2001). The second decision, like the one before it, recites that the variance is void unless a building permit is

obtained within one year of the grant and the construction is completed within two years of the grant. The current application was filed on June 28, 2002.

Suzanne Diffenderfer, a zoning analyst with the Office of Planning and Zoning, testified that her office continues to oppose the relief on the grounds that there is no unwarranted hardship nor the denial of reasonable use. In this regard, she observed that the application is now measured against the stricter standard of Senate Bill 326 of the 2002 Session of the General Assembly. She submitted the adverse comments of the Chesapeake Bay Critical Area Commission dated October 23, 2002 (Attachment A), which she adopted as her own.

Messrs. Williams and Gardner explained that the pool contractor was unable to obtain the building permit when the County erroneously determined that the pool was not shown on the grading plan. Mr. Williams also stated that he was unaware of the problem because the correspondence was being sent to the property address rather than to his current address. He stated that the project is well below the allowed impervious coverage and the pool is planned in a cleared area inside the required silt fence.

William Carpenter, a neighbor, testified in opposition to the request on the grounds that the project will contribute to increased runoff to Rock Cove Creek. He submitted several photographs showing the site conditions.

Upon review of the facts and circumstances, I am constrained to deny the application. This office has had prior occasion to comment on the impact of the

change in the law with respect to variances for pools in the Critical Area. See, Case No. 2002-0103-V, In Re: Richard and Theresa Polm (June 24, 2002) (Attachment B). The decision denied relief on the grounds that there is no unwarranted hardship when the Critical Area variance criteria are not met in their entirety.¹

In this case, as in Case No. 2002-0103-V, there has been no showing that the proposed pool confers a right commonly enjoyed. Nor can I find that the granting of the variance does not confer a special privilege. Because the dwelling was constructed pursuant to an approved variance, I am satisfied that the pool request is not the result of the actions of the applicant. Nonetheless, the proposal does not harmonize with the general spirit and intent of the program, which prohibits the proposed new development activity in Resource Conservation Areas.

Considering the balance of the variance criteria, the relief appears to be the minimum and there is no suggestion that its grant will alter the essential character of the neighborhood nor the use or development of adjacent property. However, the granting of the variance will be detrimental to the public welfare.

ORDER

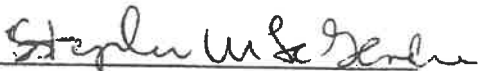
PURSUANT to the application of Bradley Williams, petitioning for a

¹Case No. 2002-0103-V has been appealed to the Board of Appeals (Case No. BA 82-02V), where the matter is pending.

variance to permit a swimming pool with less setbacks and buffer than required and with disturbance to steep slopes; and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 31 day of October, 2002,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County that the applicant's request is hereby denied.


Stephen M. LeGendre
Administrative Hearing Officer

NOTICE TO APPLICANT

Within thirty (30) days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this order, otherwise they will be discarded.

Judge John C. North, II
Chairman



ATTACHMENT A

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

October 23, 2002

Ms. Suzanne Diffenderfer
Anne Arundel Co. - Office of Planning & Zoning
2664 Riva Rd., MS 6301
Annapolis, MD 21401

RE: Variance Case No. 2002-0348-V, Kenneth Gardner

Dear Ms. Diffenderfer:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit an in-ground swimming pool with less setbacks and Buffer than required and with disturbance to steep slopes. It is the same request as previous case numbers 2001-0047-V and 1999-0334-V. It is our understanding that the variance approval granted in April 2001 has been allowed to expire.

The site plan provided with the current application appears to match the site plan approved previously except for an expansion of the limits of disturbance to the west of the dwelling and also adjacent to the driveway. Woodland clearing was increased to 29.5%.

As with the two previous requests, this office opposes the variance requested. The pool is an accessory use. Reasonable and significant use of the property exists with the construction of the dwelling. There is no unwarranted hardship. The previous cases involving this request were evaluated in accordance with two court decisions, Belvoir Farms Homeowners Association, Inc. v. North, 355 Md. 259 (1999) and White v. North, 356 Md. 31 (1999). However, those decisions have been affected by recent legislation. In the 2002 Session, the Maryland General Assembly enacted Senate Bill 326, and the Governor signed the legislation. The bill amends the State Critical Area Act to require local jurisdictions: (1) to consider reasonable use of the entire parcel or lot for which the variance is requested; (2) to find that an applicant has satisfied each one of the variance standards; and (3) to find that without the variance, the applicant would be deprived of a use of land or a structure permitted to others in accordance with the critical area program.

This office has consistently opposed the granting of variances where the variance is not necessary for reasonable use of the property. Both the County Code in Article 28 §11-102.1B and the Critical Area Criteria in COMAR 27.01.11.01 provide specific standards for a granting a variance. All five variance standards must be met in order for the applicant to receive a variance.

ANNE ARUNDEL COUNTY
RECEIVED

OCT 29 2002

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

OFFICE PLANNING & ZONING

Ms. Suzanne Diffenderfer
October 23, 2002
Page 2 of 3

- 1) Section 11-102.1.B.1 addresses unwarranted hardship. An applicant must show that site features preclude the applicant from complying with the Critical Area Program and would result in an unwarranted hardship to the applicant. To our knowledge, there are no special conditions or circumstances unique to the property or the structure. While it is unfortunate that the applicant has allowed the previous variance to expire, this application must be evaluated anew, under the law as it exists today. Under the State law, we believe that denial of this variance would not result in an unwarranted hardship. The applicant enjoys reasonable use of his property in the substantial dwelling that is being constructed.
- 2) Section 11-102.1.B.2 addresses whether a literal interpretation of the Criteria would deprive the applicant rights commonly shared by other owners of property in similar areas. All property owners within the Critical Area in Anne Arundel County are similarly limited by the Critical Area Law and the County Program. New development activities may only be permitted in the Buffer if they are water-dependent. Water dependent facilities are those structures that require location at or near the shoreline, such as a boat ramp. A swimming pool is not water-dependent, and no property owner in Anne Arundel County's Critical Area enjoys the right to place a new pool in the Buffer.
- 3) Section 11-102.1.B.3 addresses special privileges that may be conferred upon an applicant with the granting of a variance when such privileges would be denied other owners of like properties and/or structures within the Critical Area. The granting of this variance clearly would confer upon this property owner a special privilege because all similar properties are restricted from locating new accessory structures within the Buffer.
- 4) Section 11-102.1.B.4 addresses conditions or circumstances which are self-imposed and conditions or circumstances related to adjacent properties. The applicant acquired the property when it was undeveloped. There may have been opportunities to redesign development of the site to avoid the need for a variance for the pool. The request is not related to adjacent properties.
- 5) Section 11-102.1.B.5 addresses adverse impacts to water quality and fish, wildlife, or plant habitat that may result from the granting of the variance and the consistency of the variance approval with the spirit and intent of the Critical Area Program. The construction of the pool will adversely impact water quality by reducing the area available for infiltration and increasing the area that contributes to the quantity and velocity of stormwater runoff. Although it is literally impossible to measure impacts to water quality from a single pool, the General Assembly instituted the requirements for protection of the Buffer because of the cumulative negative impacts of construction in the Buffer. Approval of the proposed variance will contribute to these cumulative impacts and therefore is not consistent with the general spirit and intent of the Critical Area Program.

Ms. Suzanne Diffenderfer
October 23, 2002
Page 3 of 3

Thank you for the opportunity to comment. Please include this letter in your staff report and submit it to the record for this request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: AA544-02

ATTACHMENT B

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2002-0103-V

IN RE: RICHARD AND THERESA POLM

THIRD ASSESSMENT DISTRICT

DATES HEARD: MAY 30, 2002 AND JUNE 13, 2002

ORDERED BY: STEPHEN M. LeGENDRE, ADMINISTRATIVE HEARING OFFICER

ZONING ANALYST: ROBERT KONOWAL

DATE FILED: JUNE 24th, 2002

INTRODUCTION

This office has had prior occasion to comment on the battle line drawn between waterfront property owners and the environmental regulators when it comes to siting in ground swimming pools. During the earlier years of the Critical Area program, variances for pools in the buffer were typically denied. Following two decisions by the Court of Appeals, several pool variance applications have received favorable consideration. More recently, the legislative branch has reentered the fray. Undoubtedly, the last word has not yet been heard.

PLEADINGS

Richard and Theresa Polm, the applicants, seek a variance (2002-0103-V) to permit an in ground swimming pool with less setbacks and buffer than required on property located along the west side of Harbor Glen Court, west of Joyce Lane, Arnold.

PUBLIC NOTIFICATION

The case was advertised in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 175' of the property was notified by mail, sent to the address furnished with the application. Mr. Polm testified that the property was posted for more than 14

days prior to the hearing. I find and conclude that the requirements of public notice have been satisfied.

FINDINGS AND CONCLUSIONS

This case concerns the same property the subject of a decision by this office in Case No. 2002-0011-V (April 23, 2002).¹ The current proposal calls for the construction of a 40' X 20' in ground pool surrounded by a 4-foot concrete walk. The construction is planned on the waterside of the dwelling in the Chesapeake Bay Critical Area as expanded for steep slopes.

Anne Arundel County Code, Article 28, Section 1A-104(a)(1) establishes a minimum 100-foot buffer from tidal waters. The buffer expands to include all land within 50 feet of contiguous steep slopes. Under Section 1A-104(c)(13), in Resource Conservation Area (RCA), new development activity is not allowed in the buffer except for community marinas and private piers. Accordingly, the proposal necessitates a variance to the expanded buffer and a variance to allow

¹The Order denied a variance to permit a pier and mooring pilings with greater length than allowed. The denial was appealed to the County Board of Appeals, where the matter is pending; Case No. BA 56-02V.

development in the RCA.^{2 3}

Robert Konowal, a zoning analyst with the Office of Planning and Zoning, summarized the agency comments. The Permit Application Center asserted that the pool could be placed at least 50 feet from the top of steep slopes and opposed the application. The Chesapeake Bay Critical Area Commission opposed the request for the reasons set forth in its letter dated May 28, 2002 (Attachment A).⁴ By way of ultimate conclusion, Mr. Konowal opposed the application.

The applicants presented their case partially by proffer and also offered live testimony by Dan Werner (an engineering consultant) and Mr. Polm. The record

²The original proposal located the pool 15 feet from the south side lot line. Under Section 2-2A-09(c)(4), accessory structures in the RLD district must maintain at least 20 feet from each side lot line. At the May 30, 2002 hearing, the applicants agreed to rotate the pool 90 degrees on its axis; thereby obviating the need for a side setback variance. Accordingly, the side setback variance is withdrawn and considered denied. See, Section 11-106.

³Under subsection 11-102.1(b), a variance to the Critical Area program requirements may be granted if (1) due to unique features of the site or other circumstances, a strict implementation of the program would result in an unwarranted hardship to the applicants; (2) a literal interpretation of the program will deprive the applicants of rights commonly enjoyed by other properties in similar areas within the Critical Area; (3) the granting of the variance will not confer on the applicants any special privilege that would be denied by the program to other lands within the Critical Area; (4) the variance request is not based on circumstances resultant of actions by the applicants and does not arise from conditions relating to land use on neighboring property; and (5) the granting of the variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area and will be in harmony with the general spirit and intent of the program. Under subsection 11-102.1(c), the variance must be the minimum necessary to afford relief; and its grant may not alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.

⁴Mr. Konowal was unable to explain the changes in the size and configuration of the dwelling originally approved under Case No. 1997-0427-V. (The 1997 case approved the same relief granted in Case Nos. V-299-95 and 1996-0300-V).

indicated that the pool is proposed within the limits of disturbance for the grading permit associated with the dwelling. It was also noted that the stormwater management device and well are even closer to the steep slopes than the pool. Nevertheless, the applicants agreed to rotate the pool 90 degrees through its axis to provide at least 50 feet of separation from the top of the slope.⁵ The pool project will require an enlargement of the stormwater management facility. Finally, the request will not exceed the allowed impervious coverage.⁶

The case was continued until June 13, 2002 in order to allow the applicants to identify other approved pool installations and to respond to the Commission's letter. At the second hearing, they proffered additional evidence as follows. First, they submitted into the record a tax map of Harbor Glen, which they indicated is wholly within the Critical Area. Next, they identified three lots in Harbor Glen (Lots 5, 7R and 11) and one lot on Joyce Lane (298A Joyce Lane) developed with swimming pools. Finally, they submitted documentation of approved variances for swimming pools.⁷ Finally, the applicants, through counsel, asserted that

⁵With respect to the changes in the size and configuration for the dwelling, the applicants offered the following: (1) the County approved the changes, granted a certificate of occupancy and released the grading permit; and (2) the larger dwelling is 25 percent less intrusive to the buffer than the approved dwelling.

⁶In response to my inquiry about the existence of other pools, Mr. Polm stated he sold a property that is under development with a pool and pool house. No other details were provided.

⁷The cases are: 1999-0334-V, 1999-0408-V, 2001-0047-V, 2001-0189-V, 2001-0191-V, and 2001-0497-V.

Senate Bill 326 of the 2002 Session⁸ of the Maryland General Assembly does not apply for the reason that the application for the variance was filed prior to June 1, 2002.

This office has had prior occasion to reflect that aspects of the decisions in Belvoir Farms Homeowners Association, Inc. v. North, 355 Md. 259 (1999) and White v North, 356 Md. 31 (1999) are impacted by Ch. 432. See, Case No. 2002-0031-V and Case No. 2002-0047-V. The language employed by the General Assembly in the uncodified sections of Ch. 432 is hardly a model of clarity:

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any variance application for which a petition for judicial review of a decision to grant or deny a variance under a local critical area program was filed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2002.

But I cannot escape the conclusion that this application is subject to the new law.

The starting place is that a change in substantive law always operates prospectively. Indeed, the debate between retroactive and prospective application of a change in the law focuses on whether to give retroactive application to a change affecting procedural rights. And, the case law indicates that a procedural change applies to all actions, unless a contrary intention is expressed.

⁸Senate Bill 326 was signed into law (Ch. 432) on May 16, 2002.

There is no doubt that Ch. 432 results in substantive changes in the law. Therefore, the Act applies as of its effective date under Section 3, which is June 1, 2002. And, nothing in Section 2 changes the result. Rather, Section 2 provide a limited exception in the circumstances where “a petition for judicial review of a decision to grant or deny a variance under a local Critical Area program was filed before the effective date of this Act”. Significantly, the General Assembly did not choose to exempt all or any other variance applications filed before the effective date of the Act. In this case, the variance was undecided – indeed, the record was still open – when the Act became effective. Accordingly, the application is governed by the Act. In sum, the limited purposes of Section 2 of the Act is to hold the status quo for cases that were already in the court system when the law changed.⁹ But an administrative case decided after the law changed is under the new law without regard to when the variance application was made.

Under Ch. 432, I am to apply all of the variance standards. That is, it is no longer sufficient to merely “generally” comply with the variance standards. Furthermore, in determining whether the denial of a variance would deny an applicant rights commonly enjoyed by others in the Critical Area, I may no longer

⁹Despite the rule applying procedural changes to all actions, the Court of Special Appeals has had occasion to give prospective effect to a change when an appeal was perfected before the enactment; In Re: Michael W., 53 Md. App. 271 (1982). The Court reasoned that the legislature could be assumed to know of the pending action under the prior law. In our case, Section 2 is evidence that the legislature expressly considered petitions for judicial review pending under the prior law.

consider nonconforming uses or development that predated the implementation of the program.¹⁰

The record here establishes that three properties in the Harbor Glen subdivision and a fourth property that is nearby are improved with swimming pools. The record further establishes that the three pools in Harbor Glen all lie in the Critical Area. However, there is no indication in the record on how and when the pools came into existence. Absent proof that they were established after implementation of the program, I am unable to find that the variance for the proposed pool confers a right commonly enjoyed. And, because I am limited to considering similar uses in the neighboring area that are shown to be properly established, I am unable to find that the granting of the variance for the proposed pool does not confer a special privilege.

The next factor is whether the need for relief results from the applicants' own acts. The record reveals that the size and configuration of the dwelling exceed the approved variance. There is conflict in the record as to whether the changes resulted in increased disturbance to the expanded buffer. Be that as it may, I cannot escape the conclusion that the variance request is based at least in part on the actions of the applicants. Stated otherwise, it is entirely possible that

¹⁰In a departure from the ruling in yet another decision by the Court of Appeals (Mastandrea v. North, 361 Md.107 (2000), Ch. 432 also requires that the entire property be considered in measuring whether an unwarranted hardship exists.

the request would be substantially different if the size and configuration of the dwelling had not changed.

With respect to the final criteria under Section 11-102.1(b), the adverse impact to water quality resulting from additional impervious surfaces in the buffer would be offset by enlarging the stormwater management device. Nevertheless, the proposal does not harmonize with the general spirit and intent of the program, which prohibits most new development activity in the RCA.

Considering the Subsection 11.102.1(c) criteria, the relief exceeds the minimum relief. Indeed, the pools approved prior to Ch. 432 are typically smaller. There was nothing to suggest that the granting of the variance will alter the essential character of Harbor Glen, nor the use or development of adjacent property. Nevertheless, I believe that the granting of the variance will be detrimental to the public welfare.

Because the criteria are not all met, the denial of the application is not an unwarranted hardship.¹¹

ORDER

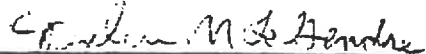
PURSUANT to the application of Richard and Theresa Polm, petitioning for

¹¹Nor was there sufficient record evidence to support the grant of a variance under the prior law as of the close of the first hearing. Specifically, there was no evidence concerning other pools in the neighborhood, and the variance exceeded the minimum relief. Accordingly, the variance standards were not generally met such that the denial of the variance would not have been an unwarranted hardship.

a variance to permit an accessory structure with less setbacks and buffer than required; and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 24th day of June, 2002,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County that the applicants' request for an in ground pool in the expanded buffer is hereby **denied.**


Stephen M. LeGendre
Administrative Hearing Officer

NOTICE TO APPLICANT

Within thirty (30) days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this order, otherwise they will be discarded.

Attachment A

Judge John C. North, II
Chairman



Ren Scray
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

May 28, 2002

Mr. Robert Konowal
Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Richard E. Polm, 2002-0103-V

Dear Mr. Konowal:

This letter contains the comments and recommendation of the Chesapeake Bay Critical Area Commission staff on the referenced variance request. The applicant proposes to construct a swimming pool that requires a variance to be sited in the expanded Critical Area Buffer for steep slopes and highly erodible soils. Before I offer our position concerning the immediate request before the Administrative Hearing Officer, I would like to raise an issue that concerns this office and that we would request an explanation.

In visiting this site and discussing this case, it appears the existing dwelling is not of the same size and configuration that was originally approved by the Administrative Hearing Officer in February of 1998 (Case No. 1997-0427-V). In fact, it appears the applicant submitted to the building and grading permit reviewers two different plans since the plan that was approved by the Administrative Hearing Officer in 1998 (enclosed). As you know, we have just received this information today, and are unaware of how the County could allow these changes, particularly changes that substantially increased disturbance to the Critical Area expanded Buffer. We did not receive any amended variance applications nor notification of the proposed changes in the Buffer.

In regard to reviewing the immediate request for a pool we would like to offer the following information. Although the County and the Administrative Hearing Officer have been reviewing variance cases using the interpretation of the variance standards set forth in three recent Court of Appeals cases, we want to advise you that as of June 1, 2002, those cases have been legislatively overruled to a significant degree.

In the recently concluded 2002 Session, the Maryland General Assembly enacted Senate Bill 326, and the Governor signed the legislation. The bill amends the State Critical Area Act to require local jurisdictions: (1) to consider reasonable use of the entire parcel or lot for which the variance is

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Mr. Konowal
May 28, 2002
Page Two

requested; (2) to find that an applicant has satisfied each one of the variance standards; and (3) to find that without the variance, the applicant would be deprived of a use of land or a structure permitted to others in accordance with the critical area program. I have attached a copy of the enrolled bill for your reference.

In that regard, we will review this plan per all five variance standards found in COMAR 27.01.11.01 and in the County's Code. Even if the Hearing Officer rules on this case before June 1, 2002, using the Court of Appeals' cases, the applicant would still not meet the standards for granting a variance.

This office has consistently opposed the granting of a variance to site an accessory structure, such as a swimming pool, in the Buffer. Both the County's Code in Article 28 § 11-102.1B and the Critical Area Criteria in COMAR 27.01.11.01 provide specific standards for a granting a variance. All five variance standards outlined below must be met in order for the applicant to receive a variance.

- 1) Section 11-102.1.B.1 addresses unwarranted hardship. An applicant must show that site features preclude the applicant from complying with the Critical Area Program and would result in an unwarranted hardship to the applicant. To our knowledge, there are no special conditions or circumstances unique to the property or the structure. Denial of this variance would not result in an unwarranted hardship because the applicant is proposing a pool which is considered an accessory structure. The applicants enjoy reasonable use of their property which is developed with a dwelling and associated uses. Unwarranted hardship results only when denial of an applicant's variance request would result in denial of reasonable and significant use of the property.
- 2) Section 11-102.1.B.2 addresses whether a literal interpretation of the Criteria would deprive the applicant rights commonly shared by other owners of property in similar areas. All property within the Critical Area in Anne Arundel County are similarly limited by the Critical Area Law and the County's Program. New development activities may only be permitted in the Buffer if they are water-dependent. Water dependent facilities are those structures that require location at or near the shoreline, such as a boat ramp. A swimming pool is not water-dependent, and no property owner in Anne Arundel County's Critical Area enjoys the right to place a new pool in the Buffer.
- 3) Section 11-102.1.B.3 addresses special privileges that may be conferred upon an applicant with the granting of a variance when such privileges would be denied other owners of like properties and/or structures within the Critical Area. The granting of this variance clearly would confer upon this property owner a special privilege because all similar properties are restricted from locating new accessory structures within the Buffer.
- 4) Section 11-102.1.B.4 addresses conditions or circumstances which are self-imposed and conditions or circumstances related to adjacent properties. Although the applicant's request is not based on self-created conditions or conditions on adjacent properties, each variance application must be evaluated individually on its own circumstances.
- 5) Section 11-102.1.B.5 addresses adverse impacts to water quality and fish, wildlife, or plant habitat that may result from the granting of the variance and the consistency of the variance

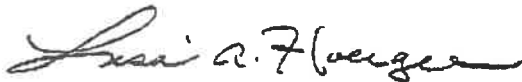
Mr. Konowal
May 28, 2002
Page Three

approval with the spirit and intent of the Critical Area Program. The construction of 1,055 square feet of impervious surface for a pool (20' x 40' pool with a four foot apron) will adversely impact water quality by reducing the area available for infiltration and increasing the area that contributes to the quantity and velocity of stormwater runoff. Although it is literally impossible to measure impacts to water quality from a single pool, it is not necessary to do so. The General Assembly instituted the requirements for protection of the Buffer because of the cumulative impacts of construction in the Buffer. Approval of the proposed variance will contribute to these cumulative impacts and therefore is not consistent with the general spirit and intent of the Critical Area Program.

In summary, the applicant has failed to meet the heavy burden for a variance in this case. While we are sympathetic to the applicant's desire for a pool, this office can find no legal basis to support the variance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission in writing of the decision made in this case.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Enclosures

cc: Marianne Mason, Esq.
Ms. Regina A. Esslinger, Project Evaluation Chief
AA 214-02

SENATE BILL 326
~~EMERGENCY BILL~~

Unofficial Copy
M3

2002 Regular Session
(21r0915)

ENROLLED BILL

- Education, Health, and Environmental Affairs/Environmental Matters -

Introduced by Senator Dyson (Chairman, Joint Committee on the
Chesapeake Bay Critical Areas) and ~~Senators Frosh and Sfikas, the~~
President (Administration), and Senators Frosh, Sfikas, Blount,
Hollinger, Collins, Conway, Harris, Schrader, and Stone

Read and Examined by Proofreaders:

Proofreader

Proofreader

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President

CHAPTER _____

1 AN ACT concerning

2 Chesapeake Bay Critical Area Protection Program

3 FOR the purpose of altering the requirements for local critical area programs to
4 include certain variance provisions; prohibiting a variance from being granted
5 unless certain conditions are met; ~~requiring a local jurisdiction, in considering~~
6 ~~an application for a variance, to consider reasonable use of the entire parcel or~~
7 ~~lot for which the variance is requested; requiring a local jurisdiction, in~~
8 ~~considering an application for a variance, to consider reasonable use of the entire~~
9 ~~parcel or lot for which the variance is requested; providing that certain~~
10 provisions of this Act do not apply to certain permits or activities which comply
11 with certain buffer exemption plans or buffer management plans; revising the
12 period of time for the review of certain critical area programs by local
13 jurisdictions; ~~defining a certain term; removing certain obsolete language;~~
14 making this Act an emergency measure providing for the application of this Act;

1 WHEREAS, It is the intent of this Act to overrule these recent decisions of the
2 Court of Appeals regarding variances to Critical Area regulations; now, therefore,

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article - Natural Resources**

6 8-1801.

7 (a) The General Assembly finds and declares that:

8 (1) The Chesapeake Bay and its tributaries are natural resources of
9 great significance to the State and the nation;

10 (2) The shoreline and adjacent lands constitute a valuable, fragile, and
11 sensitive part of this estuarine system, where human activity can have a particularly
12 immediate and adverse impact on water quality and natural habitats;

13 (3) The capacity of these shoreline and adjacent lands to withstand
14 continuing demands without further degradation to water quality and natural
15 habitats is limited;

16 (4) National studies have documented that the quality and productivity
17 of the waters of the Chesapeake Bay and its tributaries have declined due to the
18 cumulative effects of human activity that have caused increased levels of pollutants,
19 nutrients, and toxics in the Bay System and declines in more protective land uses
20 such as forestland and agricultural land in the Bay region;

21 (5) Those portions of the Chesapeake Bay and its tributaries within
22 Maryland are particularly stressed by the continuing population growth and
23 development activity concentrated in the Baltimore-Washington metropolitan
24 corridor;

25 (6) The quality of life for the citizens of Maryland is enhanced through
26 the restoration of the quality and productivity of the waters of the Chesapeake Bay
27 and its tributaries;

28 (7) The restoration of the Chesapeake Bay and its tributaries is
29 dependent, in part, on minimizing further adverse impacts to the water quality and
30 natural habitats of the shoreline and adjacent lands;

31 (8) The cumulative impact of current development is inimical to these
32 purposes; and

33 (9) There is a critical and substantial State interest for the benefit of
34 current and future generations in fostering more sensitive development activity in a
35 consistent and uniform manner along shoreline areas of the Chesapeake Bay and its
36 tributaries so as to minimize damage to water quality and natural habitats.

- 1 (3) As necessary, new or amended provisions of the jurisdiction's:
- 2 (i) Subdivision regulations;
- 3 (ii) Comprehensive or master plan;
- 4 (iii) Zoning ordinances or regulations;
- 5 (iv) Provisions relating to enforcement; and
- 6 (v) Provisions as appropriate relating to grandfathering of
- 7 development at the time the program is adopted or approved by the Commission;
- 8 (4) Provisions requiring that project approvals shall be based on findings
- 9 that projects are consistent with the standards stated in subsection (b) of this section;
- 10 (5) Provisions to limit the amount of land covered by buildings, roads,
- 11 parking lots, or other impervious surfaces, and to require or encourage cluster
- 12 development, where necessary or appropriate;
- 13 (6) Establishment of buffer areas along shorelines within which
- 14 agriculture will be permitted only if best management practices are used, provided
- 15 that structures or any other use of land which is necessary for adjacent agriculture
- 16 shall also be permitted in any buffer area;
- 17 (7) Requirements for minimum setbacks for structures and septic fields
- 18 along shorelines;
- 19 (8) Designation of shoreline areas, if any, that are suitable for parks,
- 20 hiking, biking, wildlife refuges, scenic drives, public access or assembly, and
- 21 water-related recreation such as boat slips, piers, and beaches;
- 22 (9) Designation of shoreline areas, if any, that are suitable for ports,
- 23 marinas, and industries that use water for transportation or derive economic benefits
- 24 from shore access;
- 25 (10) Provisions requiring that all harvesting of timber in the Chesapeake
- 26 Bay Critical Area be in accordance with plans approved by the district forestry board;
- 27 (11) Provisions establishing that the controls in a program which are
- 28 designed to prevent runoff of pollutants will not be required on sites where the
- 29 topography prevents runoff from directly or indirectly reaching tidal waters; {and}
- 30 (12) Provisions for reasonable accommodations in policies or procedures
- 31 when the accommodations are necessary to avoid discrimination on the basis of
- 32 physical disability, including provisions that authorize a local jurisdiction to require
- 33 removal of a structure that was installed or built to accommodate a physical disability
- 34 and require restoration when the accommodation permitted by this paragraph is no
- 35 longer necessary; AND

SENATE BILL 326

1 (v) Charles, Calvert, and St. Mary's counties; and

2 (vi) Anne Arundel and Prince George's counties.

3 (2) During the hearing process, the Commission shall consult with each
4 affected local jurisdiction.

5 [(e)] (F) Nothing in this section shall impede or prevent the dredging of any
6 waterway in a critical area. However, dredging in a critical area is subject to other
7 applicable federal and State laws and regulations.

8 8-1809.

9 (g) Each local jurisdiction shall review its entire program and propose any
10 necessary amendments to its entire program, including local zoning maps, at least
11 every [4] 6 years [beginning with the 4-year anniversary of the date that the
12 program became effective and every 4 years after that date] ~~IN COORDINATION WITH~~
13 ~~THE REVIEW OF THE COMPREHENSIVE PLAN BY THE PLANNING COMMISSION AS~~
14 ~~REQUIRED UNDER ARTICLE 66B, §§ 1.03(B) AND 3.05(B) OF THE CODE.~~ Each local
15 jurisdiction shall send in writing to the Commission, within 60 days after [each
16 4-year anniversary,] ~~THE COMPLETION OF ITS REVIEW,~~ the following information:

17 (1) A statement certifying that the required review has been
18 accomplished;

19 (2) Any necessary requests for program amendments, program
20 refinements, or other matters that the local jurisdiction wishes the Commission to
21 consider;

22 (3) An updated resource inventory; and

23 (4) A statement quantifying acreages within each land classification, the
24 growth allocation used, and the growth allocation remaining.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
26 construed to apply only prospectively and may not be applied or interpreted to have
27 any effect on or application to any variance application for which a petition for judicial
28 review of a decision to grant or deny a variance under a local critical area program
29 was filed before the effective date of this Act.

30 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
31 ~~June 1, 2002.~~

32 SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act is an
33 emergency measure, is necessary for the immediate preservation of the public health
34 or safety, has been passed by a ye-a-and-nay vote supported by three fifths of all the
35 members elected to each of the two Houses of the General Assembly, and shall take
36 effect from the date it is enacted shall take effect June 1, 2002.

**FINDING AND RECOMMENDATION
OFFICE OF PLANNING AND ZONING
ANNE ARUNDEL COUNTY, MARYLAND**

APPLICANT: Bradley S. Williams

ASSESSMENT DISTRICT: S. Third

CASE NUMBER: 2002-348-V

COUNCILMANIC DISTRICT: Fifth

HEARING DATE: October 29, 2002

**PREPARED BY: Suzanne Diffenderfer
Planner**

REQUEST

The applicant is requesting a variance to permit an in-ground swimming pool within the Expanded Buffer to steep slopes. The subject property is a waterfront lot located in the critical area designated RCA.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of 1.71 acres, located in the subdivision of Bluff Point on the Severn in Severna Park. The site is also identified as Lot 24 in Parcel 57 in Block 10 on Tax Map 31. The subject property is developed with a new single family dwelling.

The property has been zoned R1-Residential since the adoption of the Severna Park Small Area Plan, effective June 24, 2002.

APPLICANT'S PROPOSAL

The applicant proposes to construct an in-ground swimming pool in the front yard and in the expanded buffer to steep slopes.

REQUESTED VARIANCE

Section 1A-104 (a) (1) of the Anne Arundel County Zoning Ordinance requires that there shall be a minimum 100 foot Buffer landward from the mean high water line of tidal waters, tributary streams and tidal wetlands. The buffer shall be expanded beyond 100 feet to include contiguous, sensitive areas such as steep slopes and hydric soils or highly erodible soils whose development or disturbance may impact streams, wetlands or other aquatic environments.

The proposed pool is shown on the site plan to be outside the 100 ft. buffer, however in the expanded buffer. A variance for disturbance in the expanded buffer is requested.

FINDINGS AND RECOMMENDATION

This property was subject of a buffer variance in Case Number 1999-0334-V requesting an inground swimming pool in the expanded buffer. The applicants were granted the variance provided conditions set forth in the decision were met. The applicant has revised the plan to reflect those conditions, however, the variance has expired. This variance is a renewal of the previous variance.

As in the previous variance case, the Office of Planning and Zoning recommended denial such that there was no unwarranted hardship nor were the applicants denied reasonable use of the property. At that time variances were measured against the unwarranted hardship standard. Today, as a result of Senate Bill 326 signed in the 2002 General Assembly Session, the bill amends the State Critical Area Act to require local jurisdictions to meet all five standards to receive variance approval.

The Critical Area Commission submitted lengthy comments addressing all five standards. They found reasonable and significant use of the property exists with construction of the dwelling and that there is no unwarranted hardship. The Office of Planning and Zoning concurs with the Critical Area Commission. Comments are attached.

The Health Dept. and Soil Conservation has no objection.

Accordingly, the Office of Planning and Zoning must recommend denial.

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

October 23, 2002

Ms. Suzanne Diffenderfer
Anne Arundel Co. - Office of Planning & Zoning
2664 Riva Rd., MS 6301
Annapolis, MD 21401

Post-It™ brand fax transmittal memo 7671 # of pages = 3

To	Suzy D.	From	Lee Ahle
Co.	original to	cc.	to the mail
Dept.		Phone #	410 260 3477
Fax #		Fax #	

RE: Variance Case No. 2002-0348-V, Kenneth Gardner

Dear Ms. Diffenderfer:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit an in-ground swimming pool with less setbacks and Buffer than required and with disturbance to steep slopes. It is the same request as previous case numbers 2001-0047-V and 1999-0334-V. It is our understanding that the variance approval granted in April 2001 has been allowed to expire.

The site plan provided with the current application appears to match the site plan approved previously except for an expansion of the limits of disturbance to the west of the dwelling and also adjacent to the driveway. Woodland clearing was increased to 29.5%.

As with the two previous requests, this office opposes the variance requested. The pool is an accessory use. Reasonable and significant use of the property exists with the construction of the dwelling. There is no unwarranted hardship. The previous cases involving this request were evaluated in accordance with two court decisions, Belvoir Farms Homeowners Association, Inc. v. North, 355 Md. 259 (1999) and White v. North, 356 Md. 31 (1999). However, those decisions have been affected by recent legislation. In the 2002 Session, the Maryland General Assembly enacted Senate Bill 326, and the Governor signed the legislation. The bill amends the State Critical Area Act to require local jurisdictions: (1) to consider reasonable use of the entire parcel or lot for which the variance is requested; (2) to find that an applicant has satisfied each one of the variance standards; and (3) to find that without the variance, the applicant would be deprived of a use of land or a structure permitted to others in accordance with the critical area program.

This office has consistently opposed the granting of variances where the variance is not necessary for reasonable use of the property. Both the County Code in Article 28 §11-102.1B and the Critical Area Criteria in COMAR 27.01.11.01 provide specific standards for a granting a variance. All five variance standards must be met in order for the applicant to receive a variance.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974- 2609 D.C. Metro: (301) 586-0450

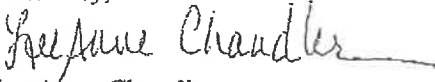
Ms. Suzanne Diffenderfer
October 23, 2002
Page 2 of 3

- 1) Section 11-102.1.B.1 addresses unwarranted hardship. An applicant must show that site features preclude the applicant from complying with the Critical Area Program and would result in an unwarranted hardship to the applicant. To our knowledge, there are no special conditions or circumstances unique to the property or the structure. While it is unfortunate that the applicant has allowed the previous variance to expire, this application must be evaluated anew, under the law as it exists today. Under the State law, we believe that denial of this variance would not result in an unwarranted hardship. The applicant enjoys reasonable use of his property in the substantial dwelling that is being constructed.
- 2) Section 11-102.1.B.2 addresses whether a literal interpretation of the Criteria would deprive the applicant rights commonly shared by other owners of property in similar areas. All property owners within the Critical Area in Anne Arundel County are similarly limited by the Critical Area Law and the County Program. New development activities may only be permitted in the Buffer if they are water-dependent. Water dependent facilities are those structures that require location at or near the shoreline, such as a boat ramp. A swimming pool is not water-dependent, and no property owner in Anne Arundel County's Critical Area enjoys the right to place a new pool in the Buffer.
- 3) Section 11-102.1.B.3 addresses special privileges that may be conferred upon an applicant with the granting of a variance when such privileges would be denied other owners of like properties and/or structures within the Critical Area. The granting of this variance clearly would confer upon this property owner a special privilege because all similar properties are restricted from locating new accessory structures within the Buffer.
- 4) Section 11-102.1.B.4 addresses conditions or circumstances which are self-imposed and conditions or circumstances related to adjacent properties. The applicant acquired the property when it was undeveloped. There may have been opportunities to redesign development of the site to avoid the need for a variance for the pool. The request is not related to adjacent properties.
- 5) Section 11-102.1.B.5 addresses adverse impacts to water quality and fish, wildlife, or plant habitat that may result from the granting of the variance and the consistency of the variance approval with the spirit and intent of the Critical Area Program. The construction of the pool will adversely impact water quality by reducing the area available for infiltration and increasing the area that contributes to the quantity and velocity of stormwater runoff. Although it is literally impossible to measure impacts to water quality from a single pool, the General Assembly instituted the requirements for protection of the Buffer because of the cumulative negative impacts of construction in the Buffer. Approval of the proposed variance will contribute to these cumulative impacts and therefore is not consistent with the general spirit and intent of the Critical Area Program.

Ms. Suzanne Diffenderfer
October 23, 2002
Page 3 of 3

Thank you for the opportunity to comment. Please include this letter in your staff report and submit it to the record for this request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: AA544-02

CASE # 2002-0348-V
FEE PAID 150.00
DATE 6/20/02



ZONE ALEX
200 MAP R16 1000 MAP
CRITICAL AREA:
IDA LDA RCA X

VARIANCE APPLICATION

Applicant: BRADLEY S. WILLIAMS
(All persons having 10% or more interest in property)

Property Address: 658 ROCK COVE LANE, SEVERNA PARK, MD 21146

Property Location: 20 feet of frontage on the (n, s, e, w) side of
ROCK COVE LANE street, road, lane, etc.; 500 feet
(n, s, e, w) of BRICK WORKS LANE street, road, lane, etc. (nearest intersecting street).

Tax Account Number 3126-9004-882 Tax District 3 Council District 5

Waterfront Lot YES Corner Lot NO Deed Title Reference 7468/596

Zoning of Property R1 Lot # 24 Tax Map 31 Block 10 Parcel 57

Area (sq. ft. or acres) 1.71 AC Subdivision Name BLUFF POINT ON THE SEVERN

Description of Proposed Variance Requested (Explain in sufficient detail including distances from property lines, heights of structures, size of structures, use, etc.) 1999-334-V
CASE # 1999-0333-V
VARIANCE HAS EXPIRED, NEED TO HAVE IT RENEWED
Variance to permit a swimming pool with less setbacks
2001-0047-V and buffer than required and with disturbance
to steep slopes

The applicant hereby certifies that he or she has a financial, contractual, or proprietary interest equal to or in excess of 10 percent of the property; that he or she is authorized to make this application; that the information shown on this application is correct; and that he or she will comply with all applicable regulations of Anne Arundel County, Maryland.

Applicant's Signature [Signature]

Owner's Signature [Signature]

Print Name KENNETH P. GARONKA

Print Name BRADLEY S. WILLIAMS

Street Number, Street, PO Box P.O. Box 850

Street Number, Street, PO Box 308 BEACH DRIVE

City, State, Zip EDGEWATER, MD 21037

City, State, Zip ANNAPOLIS, MD 21403

Home Phone 410-520-3760 Work Phone

Home Phone 410-263-7104 Work Phone

For Office Use Only

ANNE ARUNDEL COUNTY
RECEIVED

Application accepted by Anne Arundel County, Office of Planning and Zoning: JUN 28 2002

Signature Patricia A. Miley Date 7/25/02

OFFICE PLANNING & ZONING



COUNTY OF ANN ARUNDEL
DRAINAGE AREA MAP
SCALE: 1" = 200'

1. The developer shall be responsible for the design and construction of the drainage system...
2. The developer shall be responsible for the design and construction of the drainage system...
3. The developer shall be responsible for the design and construction of the drainage system...

4. The developer shall be responsible for the design and construction of the drainage system...
5. The developer shall be responsible for the design and construction of the drainage system...
6. The developer shall be responsible for the design and construction of the drainage system...

APPROVED FOR DEVELOPER: [Signature]
DATE: JUL 24, 1997
APPROVED FOR COUNTY: [Signature]
DATE: [Signature]

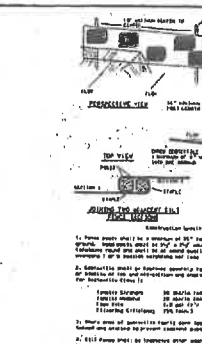
CONSULTANT'S CERTIFICATION
The developer's plan to control soil and erosion is adequate to control the soil and erosion of the property covered by the plan...
JERRY TOLDOSHIKI, M.S., P.E. 10/11/97

2. The developer shall be responsible for the design and construction of the drainage system...
3. The developer shall be responsible for the design and construction of the drainage system...
4. The developer shall be responsible for the design and construction of the drainage system...

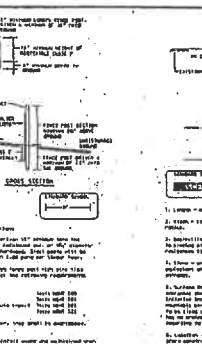
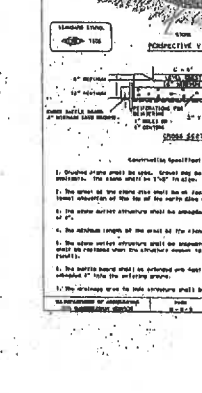
5. The developer shall be responsible for the design and construction of the drainage system...
6. The developer shall be responsible for the design and construction of the drainage system...
7. The developer shall be responsible for the design and construction of the drainage system...

8. The developer shall be responsible for the design and construction of the drainage system...
9. The developer shall be responsible for the design and construction of the drainage system...
10. The developer shall be responsible for the design and construction of the drainage system...

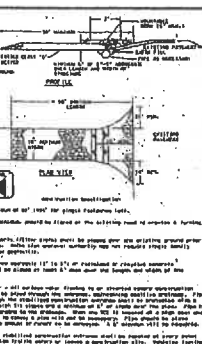
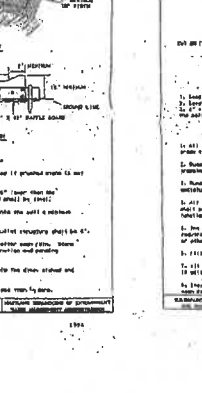
OWNER / DEVELOPER
MR. & MRS. BOYD & WILLIAMS
668 ROCK CREEK LANE
EVEHRA PARK, MARYLAND 21046
(410) 820-9700



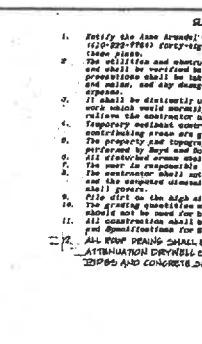
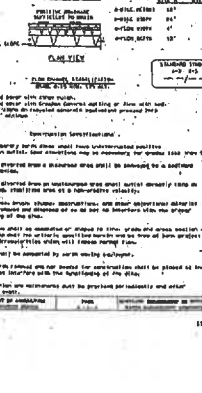
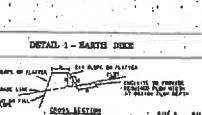
SILT FENCE
NOT TO SCALE



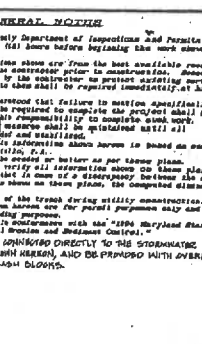
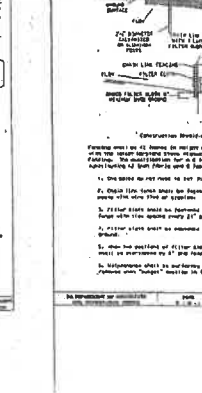
STABILIZED CONSTRUCTION ENTRANCE
NOT TO SCALE



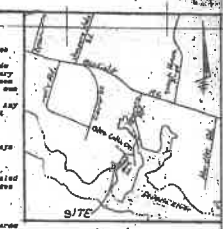
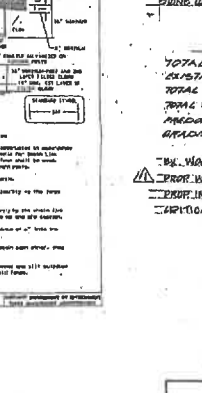
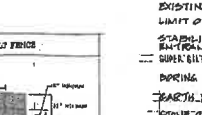
DETAIL 1 - STORM OUTLET STRUCTURE



DETAIL 2 - SLOTTED DRAIN



DETAIL 3 - SUPER SLOPE FENCE



VICINITY MAP
SCALE: 1" = 2,000'

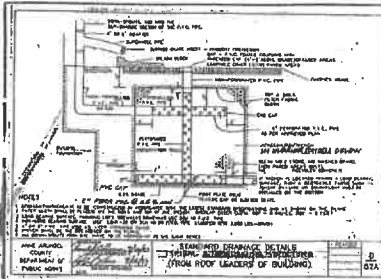
LEGEND
EXISTING CONTOUR
PROPOSED CONTOUR
EXISTING WOODS
LIMIT OF DISTURBANCE
STABILIZED CONSTRUCTION ENTRANCE
SUPER SLOPE FENCE
BORING LOCATION
EARTH DIKE
STORM OUTLET STRUCTURE

SITE ANALYSIS
TOTAL SITE AREA: 1.11 AC.
EXISTING WOODS: 32,696 S.F.
TOTAL DISTURBED AREA: 21,378 S.F.
TOTAL UNDISTURBED AREA: 8,318 S.F.
TOTAL WOODLAND BARRING: 13,022 S.F. (29.5%)
TOTAL IMPERVIOUS COVER: 1,167 S.F. (1.1%)
TOTAL AREA (DISTURBED + UNDISTURBED): 8,318 S.F.

APPROVED FOR THE #1 PROJECT 7/19/97
APPROVED FOR COUNTY: [Signature]
DATE: [Signature]

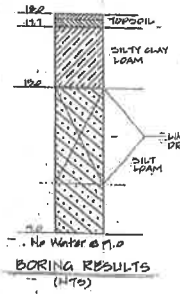
SCD APPROVAL BLOCK

<p>7101 UT REUSE PLANS TO SHOW ADDL. CLEARING TO ELIMINATE FLOODING IN LOW AREA AND PROP. BRICK CONC. RETAINING WALLS, AND TO SHOW POOL/PATIO PER VARIANCE CASE NO. 1977-034 V.</p>	<p>OWNER / DEVELOPER MR. & MRS. BOYD & WILLIAMS 668 ROCK CREEK LANE EVEHRA PARK, MARYLAND 21046 (410) 820-9700</p>	<p>ENGINEERS-SURVEYORS-PLANNERS 7878 Overland Road Suite 201 Glen Dumfries, Maryland 21051 (410) 861-1334</p>		<p>GRADING AND SEDIMENT CONTROL PLAN</p>	
				<p>SCALE: AS SHOWN DRAWN BY: BLS CHECKED BY: JET SHEET NO.: 10/11/97 DATE: 10/11/97 PROJECT: 7101 UT</p>	<p>LOT 84 BLUFF POINT ON SEVERN Δ 101/38 ANNE ARUNDEL COUNTY, MARYLAND JOB # 1064</p>

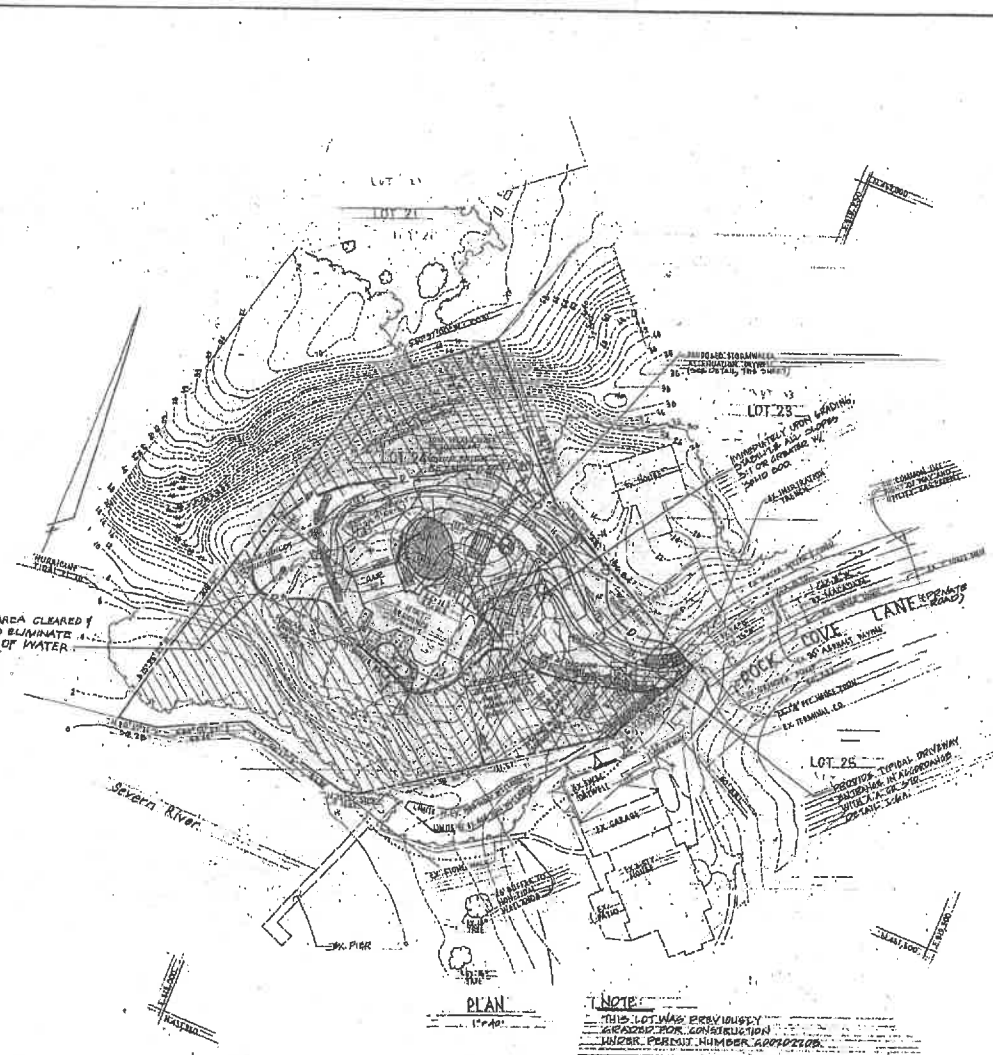


ATTENUATION DETAIL DIMENSIONS

FILL MATERIAL	LENGTH	WIDTH	DEPTH	TOT. BLK.
1/2" DIA. AGG.	18.0'	12'	0'	20.0
18" STRIP SLAB	15.0'	10'	5'	20.0

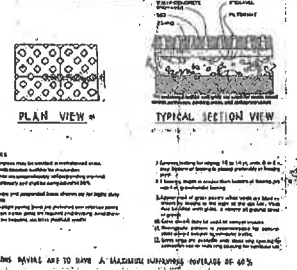


EX. LOW AREA CLEARED & FILLED TO ELIMINATE PONDING OF WATER.



NOTE: ALL AREAS SHOWN UNDER 17440 ARE TO BE EXHAUSTED WITH POROUS CONCRETE PER THIS SHEET. ALL AREAS SHOWN UNDER 17777 ARE SUBJECT TO A FOREST CONSERVATION AGREEMENT FOR ADDITIONAL DETAILS REGARDING FOREST CONSERVATION & REFORESTATION SEE PLANS PREPARED BY OTHERS.

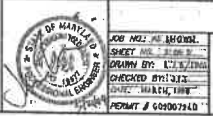
POROUS PAVER DETAIL



DATE	9/01	BY	JT	REUSE PLANS TO SHOW ADD'L CLEARING TO ELIMINATE PONDING IN LOW AREA AND PROP. BRUSH COND. RETAINING WALLS, AMP TO SHOW POOL RATIO PER VARIANCE CASE NA 1977-024-V.
APP'D		REVISED		

OWNER / DEVELOPER
 MR. & MRS. BRAD & WILLIAMS
 516 ROCK COVE LANE
 SEVENA BAY, MARYLAND 21084
 (410) 840-3780

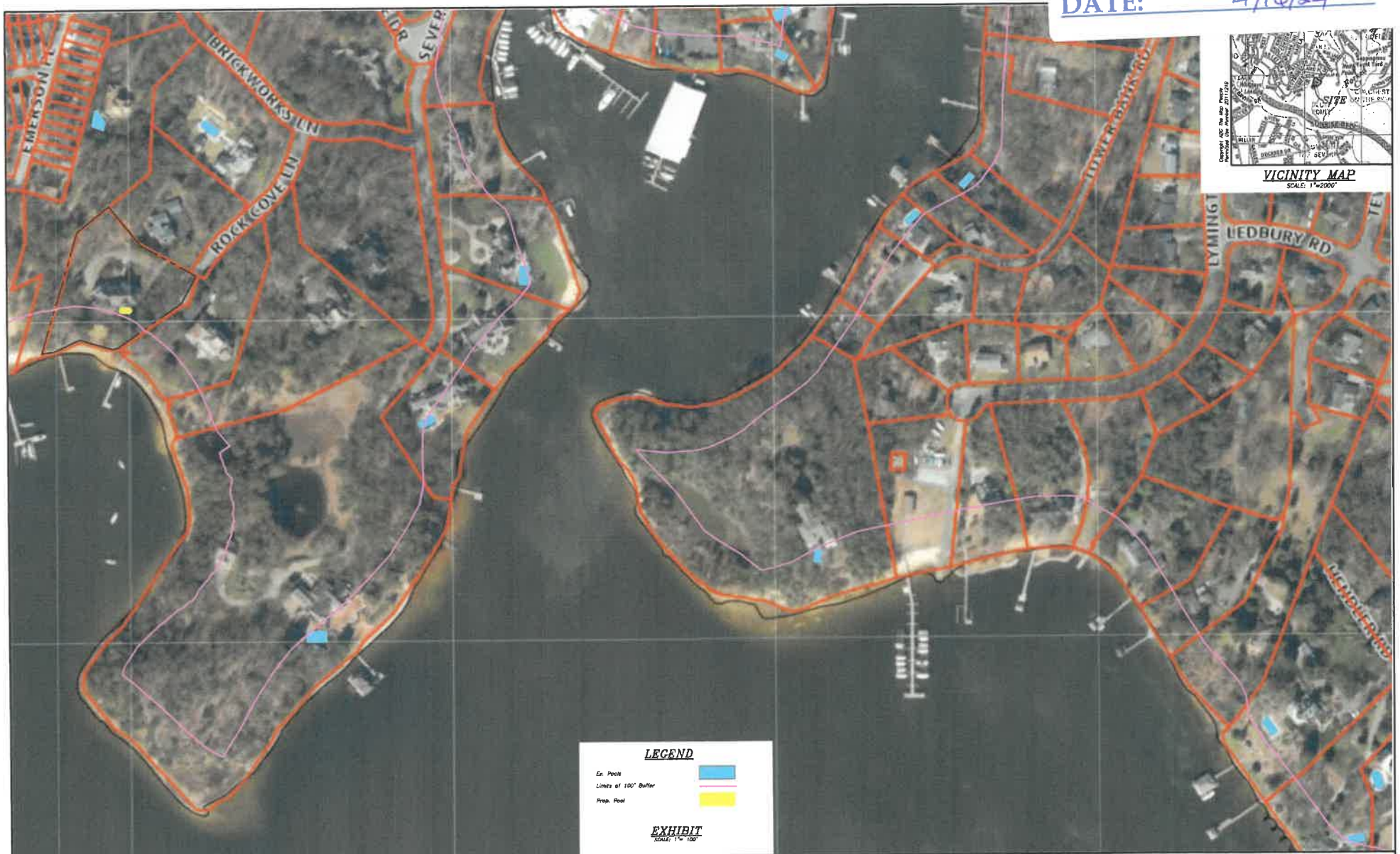
BOYD & DOWCIALLO, P.A.
 ENGINEERS/SURVEYORS/PLANNERS
 7678 Quarterfield Road
 Suite 201
 Glen Burnie, Maryland 21061
 (410) 863-1234



GRADING & SEDIMENT CONTROL PLAN
 LOT 24
 BLUFF POINT ON SEVERN
 2/23/01/03
 SHEET NO. 2 OF 2
 DRAWN BY: L.J. JONES
 CHECKED BY: J.T. JONES
 DATE: MARCH, 2001
 PERMIT # 60007240 THIRD DISTRICT

DATE: 7/06/04

APP. EXHIBIT# 6
CASE: 2024-0020-V
DATE: 4/16/24



LEGEND

Ex. Pool
Limits of 100' Buffer
Prop. Pool

EXHIBIT
SCALE: 1" = 100'

NO.	DATE	BY	REVISION	APPROVED	DATE

DEVELOPER
ROBERT HARRIS, III
65B Rock Cove Lane
Severna Park, Maryland 21146
443-525-4145
sitemaster@comcast.net

BOYD & DOYCIALLO, P.A.
ENGINEERS/SURVEYORS/PLANNERS
412 Headquarters Drive, Suite 5
Millersville, Maryland 21108
(410) 729-1234
jerry@bdnopa.com

JOB NO. 20-107
SHEET NO. 1 OF 1
DRAWN BY: TRJ
CHECKED BY: JET
DATE: MARCH, 2024
CASE # 2023-

EXHIBIT
LOT 24, BLUFF POINT ON THE SEVERN
PLAT BOOK 101 PAGE 38
TAX MAP 31, BLOCK 10, PARCEL 57
ZONED R1
ANNE ARUNDEL CO., MD 21146
Third District